COMMISSION OF INQUIRY
into the
ADMINISTRATION OF JUSTICE IN THE FREEDOM STRUGGLE

Held at
John Philips Sousa Community Room
The Washington Post
1515 Avenue L N.W.
Washington, D.C.

Friday, May 25, 1962
Saturday, May 26, 1962

Commission of Inquiry:

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Norman Thomas, Vice-Chairman

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(Federation of Shorthand Reporters, Local 335,
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MR. RACHLIN: Mr. Thomas and members of this honorable committee. May we take this opportunity to thank you for taking time out of your respective lives for the purpose of hearing the testimony we propose to offer during the next two days.

Those of us who have been active in the efforts to secure the rights set forth in the United States Constitution and various laws adopted by the Congress of the United States have a feeling of frustration because of the kinds of activity that have taken place in the South and which you will hear about today and tomorrow.

At the outset you may ask, quite properly, why have we requested that you assemble yourselves and meet in the City of Washington at this time. Are there not the Courts, the Department of Justice, the Civil Rights Commission, the Federal Bureau of Investigation to hear our problems? Without directly answering that question, we think the testimony itself will explain our reasons.

Our meeting before you today is in the nature of a petition to hear and redress the grievances presented to you today and tomorrow. While we recognize that you have no legal authority to assert, the representations you hear will require the various Governmental authorities on all levels to pay heed to any report you may choose to issue concerning the facts we present to you.
It is the view of Mr. Watts and myself that the evidence you will hear will show patterns of official conduct interfering with the right of Negroes to pursue activities in every way lawful.

Mass arrests and jailing on criminal charge upon criminal charge, some dreadfully serious, is the pattern in Baton Rouge.

In Mississippi it is impossible to obtain a bail bond for any arrest in a civil rights case. As a result cash bail has had to be raised in those cases in that state.

Alabama has made wide use of the injunction to prevent such organizations as CORE and the NAACP from functioning in that state.

Much of the testimony will show brutality, official indignity and failure of police protection. At the same time it will show, we believe, the good faith, the good spirits, the peaceful intentions of the people who participated in such activities in behalf of equality.

The normal appeal of American citizens to petition their state government and representatives for redress of wrongs is, for obvious reasons, closed to the participants in these activities. It is for these reasons we have requested you to meet at this time.

May we thank you again, and we call the first witness, Ronnie Moore.
MR. WATTS: Mr. Chairman, I believe we are now organized with our reporters, and if Mr. Moore will again take the stand, we will proceed.

RONNIE MOORE, took the stand, and testified as follows:

EXAMINATION BY MR. WATTS:

Q Mr. Moore, you had told us that in November, 1961, you talked with several others, organized a Student Chapter of CORE at Southern University near Baton Rouge, which, incidentally, is the largest Negro university in the world. Now you go ahead with what happened after you organized this chapter and what the chapter did or attempted to do.

A We became concerned about the problems of segregation and with this in mind, after negotiating with 12 merchants downtown in Baton Rouge to desegregate the lunch counters and to hire all persons on the basis of equality and qualifications --

Q You said to hire?

A Yes. After several unsuccessful attempts to negotiate we decided to sponsor a selected buying program, and from mid-November up until December we conducted such a program.

Q Mr. Moore, Southern University is outside of Baton Rouge. How many of the students customarily patronize the stores in Baton Rouge?
A Most of the students buy at the stores downtown. It is estimated over half a million dollars is spent in each and every year downtown.

Q You tried, by negotiating up until the beginning of December, 1961, to persuade the stores to have a non-discriminatory hiring policy, and when you were unsuccessful in that, you started a non-buying campaign; is that correct?

A Right.

Q Then what happened?

A On December 7th we conducted a work shop sponsored by the Congress of Racial Equality.

Q What is a work shop, Mr. Moore?

A A work shop is something like a school, and in the school we teach the rights of American citizenship, the right to picket and be also exposed to persons who attend to the philosophy of non-violence.

Q How many attended this work shop, by the way?

A About 170 students attended the work shop.

Q What was the outcome of this work shop?

A The students went into the community and stayed in, sat in at the lunch counters.

Q In the stores that had lunch counters in Baton Rouge?

A Yes, and which practiced racial segregation and discrimination.
Q  Were you arrested when you conducted these sit-ins?
A  At this time we were not arrested. We left upon the request of the police officers.

Q  Do you remember the date of that occurrence?
A  That is on December 8th. At the conclusion of the workshop which began on the 7th.

Q  So you sat in at the lunch counters. You were denied service, you were told to leave and you did leave; is that correct?
A  Right.

Q  Then what happened?
A  For several days we continued these sit-in demonstrations, and on December 14th we decided to exercise our rights to picket the stores. In fact, we regarded that in America we had this right, and we still believe we have this right. However, 23 students who picketed the stores for a minute and a half were arrested for obstructing the free and normal use of the sidewalks.

Q  Mr. Moore, were you in fact obstructing the use of the sidewalks, or were you blocking the entrance to the stores?
A  We were picketing like the labor unions picket, like the White Citizens Council picketed in Shreveport, like they picketed Saturday in Baton Rouge in the same orderly manner, however, I think our demonstration was more --
Q  More orderly?
A  Yes.
Q  Were you not, in your opinion, obstructing either
the sidewalk or preventing people from entering?
A  Definitely not. We were walking on the end of the side-
walk.
Q  You stated you were arrested after approximately
one and a half minutes of this?
A  Well, I wasn't but 23 other students and members of
CORE were.
Q  Some members of picketing and demonstrators were
arrested at that time, but you were not?
A  No.
Q  What did you do thereafter?
A  That evening I and a few others --
Q  This is December 14th?
A  Yes, as a matter of fact, Reverend B. Elton Cox addressed
the rally on campus.
Q  The Reverend Cox is going to testify later, so you
just give a quick summary of what happened.
A  Well, we discussed the unlawful arrest, the unlawful
incarceration of the 23 students, and it was decided we should
go down into Baton Rouge the next day and orderly and in non-
violent a fashion to redress our grievances with the parish
officials.
Q  How did you intend to do that?
A  We intended to ride buses and to catch cabs and to go in automobiles down to Third Street and march two by two to the courthouse under the supervision of captains. We would have student leaders over so many students, and assemble around the courthouse, and we would sing and we would make a few statements in protest of the denial of the right to picket.

Q  This was on the morning of December 15th?
A  The morning of December 15th.

Q  Did you do that?
A  However, as the students moved off the campus they were arrested, bus drivers were arrested. At the same time I was arrested for illegal use of a sound truck and was placed in jail under $1500 bond.

Q  You were not in the actual march?
A  I didn't have a chance to march.

Q  You stated that you had planned to go down in buses and cabs. Did you go down to the point of demonstration in buses and cabs, or what happened?
A  As I was being transported to the courthouse several bus drivers were arrested.

Q  For what?
A  They claim that the buses were overloaded and that the students were blocking traffic and a lot of other things, and so they arrested the bus drivers and they ordered the students
to move back to the campus. However, as they pulled the students off the buses, they continued to walk for seven miles to the courthouse from Southern University.

Q  Do you have any idea of the approximate number of students that participated in this walk?
A  Estimated around 3,000 to 4,000.

Q  You were not in the walk at that point but you were operating a sound truck; is that correct?
A  Right.

Q  Do you know whether or not a license is required to operate a sound truck in the Baton Rouge area?
A  A license is not required. I was charged under a 1934 ordinance which says anyone who uses a sound truck to create a nuisance in the neighborhood, and I created a nuisance by a protest of segregation in an all Negro neighborhood.

Q  So in your opinion you were welcomed rather than creating a nuisance?
A  I think so.

Q  Do you know whether or not sound trucks were used generally in that area by others?
A  Yes, politicians use them each and every year. As a matter of fact, the district attorney used one, I understand, at the last election.

Q  All right, sir, now you were arrested for illegal use of a sound truck and this was approximately what time on
December 15th?
A    Well, eleven o'clock, 11:30.
Q    In the morning?
A    In the morning.
Q    You were taken to jail, I assume, and what happened there?
A    I was in jail for about six hours, and in that late afternoon the attorneys intended to get me out of jail after posting a $1500 cash bond, and I came downstairs from the jail cell, and I was in the full courthouse, and as I was going out of the door I was rearrested and charged with conspiracy to commit criminal mischief and was taken back to jail and an additional $2,000 bond.

Q    Do you know what criminal mischief is?
A    At a later trial it was brought out that criminal mischief had something to do with the work shop, the non-violent work shop which was conducted on December the 7th.

Q    You have already been released on $1500 on one charge and as you leave the jail you are rearrested and with the additional charge of criminal mischief and a $2,000 additional bail is demanded. Was that posted, and if so, when?
A    It was posted on January 4th, $3,500 total. However --

Q    That was --
A    -- 21 days later.
Q    Were you then released?
A  Yes, I was released and with the pledge of Dr. Felton G. Clark, the Negro president of Southern University that he would not execute the directive of the State Board of Education which ordered the dismissal of the students.

Q  Just a moment. You state that the State Board of Education directed the president of Southern University, which is a State land grant college I understand --

A  Right.

Q  (Continuing) -- to dismiss all students who were arrested or all those who participated?

A  The directive stated all students arrested and incarcerated.

Q  And Dr. Clark, you state, had pledged to the students that he would not expel them; is that correct?

A  Right.

Q  Then what happened? Did he honor that promise or did he recognize the directive of the Board of Education?

A  Along with the 73 students who returned to school on January 4th and on January 15th, apparently a compromise was reached between Dr. Clark and the State Board of Education, that instead of dismissing the 73 students, that he would dismiss 7 students, namely, the leaders of the Baton Rouge CORE.

Q  You have mentioned the number 73. Does that mean in the course of this demonstration in mid-December 73
students were arrested in Baton Rouge as a result of this?
A Yes, a total of 73 students, 15 on the day of the demonstration and 23 the day of the picketing.
Q So Dr. Clark, the president, made some sort of modified commitment that he would not dismiss the 73 but he would dismiss how many?
A Seven.
Q Including yourself?
A Right.
Q Did he do that and what happened?
A Well, as we appeared before the Disciplinary Committee on the 15th of January --
Q 1962?
A Yes, 1962. On the 17th the students wanted to know why we had to appear before the committee and why Dr. Clark had changed his mind, and so the night of the 17th 1500 students marched to the home of Dr. Clark and asked him to come out and explain this thing. He refused to come out. Later he said he didn't come out because there can be no communication in a mob situation, and so, on January 18th, after this night, all-night protest, in prayer --
Q This was --
A (Continuing) -- and fasting --
Q (Continuing) -- this was the night of January 17th, the morning of the 18th?
A Yes, sir. He closed the university as of five o'clock the night of January 18th and he ordered all students off campus by five o'clock.

Q Every student?

A Every student. We were dismissed and ordered off by 5:20. However, during that day I was in the courtroom to be arraigned, the day that Reverend B. Elton Cox' trial was supposed to begin, and as I returned to the campus to meet Weldon Rougeau, Weldon and I were arrested for criminal trespassing and disturbing the peace. I was out of the courtroom about 4:15 --

Q You returned to the campus for what purpose?

A To get my belongings and --

Q After you came out of Reverend Cox' hearing in the courthouse, you came back with Weldon Rougeau who is going to be our next witness and to get your belongings from the campus; is that correct?

A Right.

Q What happened to you? Were you arrested there?

A Yes, I was on campus about 4:40 or 4:50 and after being on campus a period of about half an hour, it was raining so we went under the ramp of the gym and two officers came up and asked us our names, and after asking for our names he said "You are under arrest for criminal trespassing and for disturbing the peace."

Q This was before five o'clock?
A Yes, maybe about five minutes to five, the time of the arrest, somewhere there.

Q Were you doing anything other than standing out in the rain?

A I wasn't, no. There were several students there who were staying out of the rain. We were talking.

Q Sofar as you know you were not disturbing anyone's peace; is that correct?

A Only the peace of police officers.

Q So you were arrested now for trespassing and disturbing the peace; is that right?

A Right.

Q You were taken back to jail?

A We were placed under $3,000 bond, cash bond.

Q This brings your collective bond up to $6500; is that correct?

A Right.

Q Was this additional $3,000 placed on you or when was it --

A Well, this money could not be raised immediately and we had to stay in jail in an isolated contrivance, cell, confinement cell. We both were placed in isolated confinement. Both of us were placed in the same cell. It was a solitary confinement cell seven feet by seven feet. We stayed there for 58 days till this bond could be raised.
Then the bond was raised and you were on the criminal trespass and disturbing the peace charge and you were released again; is that correct?
A Right.

Then what happened to you?
A To backstep, on February 12th, as the attorneys attempted to get this bond reduced because nowhere in Louisiana history can you find anyone charged with this placed under $1500 bond, unless this person was in the freedom struggle for disturbing the peace or criminal trespass. The bond is usually $150.

Do you know, by the way, the maximum penalty for disturbing the peace?
A Six months in jail and a $50 fine or a $500 fine or something like that, $50 to $500.

An additional charge was placed against you on February 12th?
A Yes, the charge was criminal anarchy. It means that I advocated in public and in private opposition to the government of the State of Louisiana by unlawful means as a member of an organization, the Congress of Racial Equality known to teach and advocate opposition to the government of the State of Louisiana by unlawful means.

Was any bond fixed for you on that charge?
A $12,500.
Q This raised your total bond to $19,500; is that correct?
A Yes.

Q Was that bond posted, and how long did it take to post?
A We were released on March 16th, 57 days previously mentioned we were in jail. Bond was posted on March 16th.

Q What has happened on these various charges? Let us go back so we have them straight. The first charge was illegal use of a sound truck. Have you been brought to trial and what was the outcome?
A On April 11th, I was found guilty of creating a nuisance in a Negro neighborhood, and on April 24th I was given the maximum penalty which is 30 days in jail, and I was fined $50 and the costs of court, and if I don't pay this, I have an additional 30 days in jail.

Q Is this on an appeal now pending?
A Yes. I was released under $500 bond on appeal.

Q And the next charge against you was conspiracy to commit criminal mischief. What has happened to that charge?
A I have been led to believe that this charge has been dropped.

Q In what manner? Has there been a formal order?
A No official order, due to the fact that they didn't try
B Elton Cox on this charge.
Q. How much bond? $2,000 bond refunded?

A. No. Finally, the legal maneuvers, while we changed the surety bond and it was $200 for the bondman's fee.

Q. The next charge was criminal trespassing; is that correct?

A. Yes. This charge is still pending.

Q. Do you know when that will come up for trial?

A. That was supposed to be tried -- I was supposed to be tried on that charge the day of the sound truck charge. However, we subpoenaed Dr. Clark and for the parish officials would have Dr. Clark testify they would rather postpone the trial indefinitely on that charge.

Q. When you referred to Dr. Clark you were not referring to Dr. Kenneth Clark, the member of this committee, but Dr. Felton Clark, president of Southern University; is that correct?

A. Right.

Q. All right, sir. That is now scheduled for June, did you say?

A. That has been postponed indefinitely.

Q. It has been postponed indefinitely?

A. Yes.

Q. But you are still out on $3,000 bond on that charge?

A. Right.

Q. What about the criminal anarchy charge?
A     Under the criminal anarchy I was supposed to be tried on
May 28th. However, the other day, one of my attorneys filed
the bill of particulars in the courtroom --

MR. RACHLIN: May I interrupt? That was a demand
for a bill of particulars by way of motion in the Baton
Rouge court.

What has happened, if I may interrupt, Ronnie, the
state has filed the indictment merely in the words of
the statute, not illustrating by a single fact what the
nature of the charge against him was. As of this moment
we have not yet received any statement as to what the
facts are behind this indictment.

Q     All right, Mr. Moore, so this is a summary of
what happened to you in Baton Rouge basically; is that right?

A     Yes.

Q     Do you have any comment or any specific statement
of treatment, good, bad or otherwise, while you are in jail?
And I think you should recognize and a fair percentage of the
audience certainly recognizes, having been in jail, that
being in jail is not comfortable per se, and it is not
intended to be and therefore you don't have in jail the
common amenities of life. We are not concerned particularly
with the ordinary inconveniences of being in jail. We
would like to know whether you were subjected to any unusual
mistreatment.
A. Well, there were three incidents of police brutality.

Q. Will you set forth what they were?

A. Jerome Smith will later testify to his incident of police brutality.

Q. Jerome --

A. Jerome Smith.

Q. He will testify on his own experience?

A. Right. However, in regard to that, since he was in jail with us, I mention it.

On the 2nd of January I found traces of blood in my saliva, so I made three requests to see a doctor. These requests were ignored. So finally I knocked on the door to go out, and at this time, one officer reached through the bars and choked me and slapped me.

Q. Did that improve your throat condition with regard to the blood in your saliva?

A. It brought tears to my eyes. That was a secretion so you never could tell. That might have helped.

I returned to the cell and I spoke of the incident to the students there, and David Dennis, the field secretary for CORE for the students approached the door to inquire about the beating.

At this time they opened the door to the Negro cell area and they reached in and grabbed Dennis by the collar, one officer.
Q. You saw this?

A. Yes. This was witnessed by maybe 20 other students, and he pulled him up and slammed him against the iron bars and placed him in solitary confinement.

When we came out of jail we reported these incidents to the FBI, and apparently they sent the -- we spoke to the local FBI men and the local FBI went over to investigate the incidents with the local police officers, and they came out with "No violation of civil rights."

MR. THOMAS: That is civil rights as understood in Louisiana?

THE WITNESS: Apparently so.

MR. WATTS: Mr. Chairman, the David Dennis that Mr. Moore referred to was supposed to be here today as a witness. Unfortunately, he is confined in Louisiana at the time, not by the authorities, but by chicken-pox, so we are sorry.

Q. There are just several other things that we would like to clear up, Mr. Moore. You stated now, I believe, that you were arrested on campus finally on this last charge of criminal trespass. I understand that this varies from the advanced fact sheet we distributed. Where were you arrested on January 18th?

A. I was in front of the new gymnasium under the ramp.

Q. Do you know what the penalty is for criminal
anarchy?

A  The count is ten years in the state penitentiary at hard labor.

Q  There was further conflict pointed out to me between our fact sheet and your testimony. We want to straighten it out because your testimony is what the committee will be bound by.

What was the time of your actual arrest on campus? Now, this has some bearing on the question that Dr. Clark had closed the university and ordered all students off campus at five o'clock. Were you arrested before or after five o'clock?

A  The court session ended around 4:30 and it only takes me about twenty minutes to reach the campus. Might have been ten minutes to five or five minutes to five. However, we were back downtown about twenty minutes after five, according to Rougeau’s watch, so we firmly believe before five o'clock.

Q  But it might have been a little after?

A  Yes, it's a possibility.

Q  Were there any other students on campus after five o'clock?

A  Yes, they had over 500 students on campus after five o'clock.

Q  Do you know whether any of them were arrested?

A  No. The officers specifically pointed out that all
of the seven demonstrators will be arrested. "You find any of the seven, you arrest them."

Q So in effect all others than the seven demonstrators were granted permission by the police to commit this criminal trespass?

A There was one student who was permitted by the dean of men in writing to remain on campus till six o'clock.

MR. WATTS: Mr. Chairman, this is the basic testimony by Mr. Ronnie Moore on the situation in Baton Rouge and his experience. He will be called back later for some further testimony concerning another area. I think it would be appropriate if the committee has any questions to address to him they ask them.

MR. BALDWIN: I would like to ask Mr. Moore two questions.

EXAMINATION BY MR. BALDWIN:

Q Do you know of any other previous use of the criminal anarchy statute in Louisiana?

A There was a student at Tulane University who was charged with criminal anarchy. His name is Goldfinch.

Q How long ago?

A About two years ago. He has never been brought to trial.

Q He was a Negro student?

A He was a white student at Tulane University.

Q What was he doing?
A Sitting in a lunch counter.
Q Was he ever tried?
A No, it wasn't tried.
Q There had been no case tried in Louisiana under that statute?
A No case that I know of.

MR. RACHLIN: We know of no case, Mr. Baldwin, where anybody has been tried under the criminal anarchy statute, but this Goldfinch was charged some two years ago. Our attorneys in New Orleans advise us that apparently the prosecution there has no desire to bring that case actually to trial and they have three years within which to do it, otherwise --

MR. BALDWIN: A most extraordinary case, but also in regard to the criminal mischief statute I never heard of one before that has been argued at any time in Louisiana.

THE WITNESS: I can't recall of it's being used anywhere before. However, two persons in the Civil Rights trial --
Q In other words, there is no court decision on either of the statutes?
A Right.
Q You are the first victim likely to be tried?
MR. THOMAS: I was interested in the paragraph in here about the brutality in the jail.

EXAMINATION BY MR. THOMAS:

Q Was the brutality in the first arrest?

A Yes, it was.

Q There was no brutality in the second?

A No brutality in the second.

Q Do you have any explanation for that?

A I believe that -- and this is only a personal belief -- that after the FBI investigation it was generally agreed and ordered by the sheriff to call off the boys.

Q Tell me about the FBI inquiry. To what extent did they make an inquiry?

A They interrogated us for about four to six hours, somewhere between there and the outcome of the investigation was not revealed until several weeks later, and so maybe they took several weeks to investigate.

Q What was the outcome of the investigation?

A It was only a statement issued by the FBI and that was that they found no violation -- no evidence of a violation of a Civil Right, which was the only statement issued.

Q Were there any visible bruises on either you, Jerome Smith or David Dennis?
A No visible bruises.

Q Were these Negroes or white?

A Negroes.

Q In the four hours that they interrogated you did you feel they were seeking to find violations? Were they friendly to you, hostile to you? What was their attitude toward you?

A It's very difficult to determine. It wasn't obvious that they weren't hostile to any manner. However, he asked me to dramatize, to illustrate the swing of David Dennis and I threw him against the wall to illustrate to him by his request.

MR. THOMAS: Any other questions?

EXAMINATION BY MR. TAYLOR:

Q Mr. Moore, the university closing that you described, how long did the university remain closed?

A It remained closed for eleven days, until January 29th.

MR. TAYLOR: I guess, Mr. Chairman, my only other question I would like to put to Mr. Rachlin, if I can.

Mr. Rachlin, is there an indictment in this criminal action case? Do you have a copy of the indictment?

MR. RACHLIN: I do not have a copy but I can produce it.

MR. TAYLOR: Is there such an indictment?

MR. RACHLIN: I have seen it and I can make it available for the record of this proceeding.
MR. TAYLOR: I think that would be helpful. Did you say that there is no specification in the indictment as to what the basis of this charge of criminal anarchy is?

MR. RACHLIN: None whatsoever. As a matter of fact, I instructed our attorneys in New Orleans not to proceed to trial without such a statement, and if necessary to test the issue of the failure to supply a statement, a bill of particulars, through the Federal courts as being a possible denial of due process of law.

MR. TAYLOR: Are you having this case in New Orleans?

MR. RACHLIN: Local attorneys, but I have been directly associated with it and I will be present at the trial.

MR. TAYLOR: What do you propose to do to test this question of failure to specify the nature of the charge?

MR. RACHLIN: I hope to be in Federal court to stay the proceeding until a statement, a bill of particulars, is supplied and test the issue of whether this is not a denial of due process of law under the Fourteenth Amendment, and if necessary, take it all the way up to the United States Supreme Court, because one of the problems, General Taylor, is that if we permit Ronnie Moore to go to trial and he should be convicted, the sentence in that case could be more than five years, and it my
understanding of Louisiana law that if the sentence is more than five years we may not have a right to bail and he will rot in jail while we appeal the case, which may take a matter of years, as you know.

MR. TAYLOR: Have the police or the prosecuting attorney given out any public statements indicating what is behind the charge? I mean, what their version of this will be?

MR. RACHLIN: None that I know of, sir.

MR. TAYLOR: Thank you.

EXAMINATION BY DR. CLARK:

Q Mr. Moore, did you seek the protection of the FBI at any time?

A The demonstration, no. The U.S. Marshall served us with the injunctions and I recall specifically at this time I asked him what could we do in case we needed protection from the Federal government, any Federal agents, and he informed us that the FBI was mainly to investigate and that U.S. Marshalls only move upon request of the Attorney General or the District Federal judge or upon the request of the parish official law enforcement head if, when the law enforcement agency, local enforcement agency is not able to handle the situation, and so we found by making a request, however, after the mass march and the use of tear gas and police gas, Reverend Cox made an appeal
to the Justice Department for protection at that time.

BY MR. SHISHKIN:

Q In that connection, was there any notice served that you know of to the United States Attorney's office in Louisiana of these facts, police brutality and charges and things of that sort? Were they asked to intervene and investigate in any way prior to the time the FBI came into the case?

A None. The Reverend will testify as to the request of the U.S. Marshall, United States Attorney General.

Q On the facts that you recite here about police brutality, was there any action instituted locally to ask the courts or authorities to intervene and prevent the sheriff from carrying on that kind of practice?

A There was a parish grand jury investigation which consisted of one Negro to investigate the police brutality incident. We testified, several students testified before the committee. They didn't even call me and I was one of the victims, to testify before the grand jury committee. After several students testified they called in the officers and they realized that there were no decisions of police brutality to find.

Q They just denied the whole thing; is that right?

MR. RACHLIN: Mrs. Roosevelt and members of the Committee, Mr. Moore has made reference to an injunction which did not come out during the initial testimony. I
have in my hand the copies of these pages of the injunction and I will certainly make those available to the Committee for its perusal.

The injunction was issued by Federal Judge E. Gordon West, who was recently appointed to the Federal Court in Baton Rouge.

In substance, it enjoins the Congress of Racial Equality and a number of John Does and their representatives, including attorneys, and all those who received actual notice of this order from continuing to sponsor, finance or encourage unlawful picketing in the City of Baton Rouge, from engaging or participating in any unlawful congregating or marching in the streets or other public ways, of the City of Baton Rouge, from conspiring, encouraging or participating in any boycott or restraint of trade or from doing any other act designed to provoke breaches of the peace.

BY MR. CLARK:

Q Would you describe more specifically the nature of your conversations with the FBI agents?

A Well, the FBI then asked me -- well, where was I born, who my daddy was, where was my mother and how you could get in touch with all of my people, he wanted to know all about my background, a few questions about CORE, whether I had been out of the State
of Louisiana, if so, who did I meet, and generally an investigation about myself and a final --

Q  Did he ask you about the nature of your arrest, why you were arrested, how you were treated?
A  He didn't touch upon the arrest. He restricted it mainly to the incidents of brutality.

Q  Did you get from your conversations with him indication of his concern about the fact that you were arrested and the justification or the basis of it?
A  He wasn't concerned about whether or not I was arrested lawfully or unlawfully, whether or not --

Q  No questions concerning that?
A  None whatsoever, and usually I referred to this and he said "I'm only concerned with the incident of brutality" and he asked the name of the officers and the names of witnesses, if any, and so forth.

Q  I would like to ask you to tell us something about your conversations with President Clark before the arrest, after the arrest.
A  In early November we talked to Dr. Clark after several articles appeared in the newspapers as to the activities of Baton Rouge CORE, and personally he is in sympathy with the movement, I believe. However, he, like the District Attorney, has an official duty and he explained this to us, that we must realize
that he is controlled by -- his official acts rather are controlled by a state board of white extremists.

Q  He said this to you?

A  Yes, that he must execute their directives whether he likes the directives or not, and he explained to me that if he would deny or refuse to dismiss us he would be dismissed from the university himself, and that they would have another "Uncle Tom" -- we consider him to be one up there -- who would exercise the directives of the State Board of Education.

Q  Mr. Moore, you are saying to us that President Clark actually told you this?

A  Yes, he explained to us his personal belief and also his position officially. However, we told him on the contrary, that it is time that we exercised these rights, regardless of the sacrifice, and we asked him to take a stand with us to exercise his personal belief, and he refused to do so. However, the night before, after this conference, the night of December 15th when the students were shot on with tear gas and they used dogs on them, Dr. Clark became concerned about this problem of segregation too, and then, at this point, he said "I'm with the students and I'll not suspend anybody."

However, from December 15th up until January 15th many things occurred in the life of Dr. Clark until he reversed his decision on December 15th, and at this time he decided to go
back to his original conviction and execute the desire of the State Board of Education.

Q: Did you speak with him after January 15th?
A: No, he refused to see us after January 15th.

Q: When was the last time you spoke with him?
A: That was when we returned to school of January 4th and the time preceding that. On January 4th he merely said "Welcome back." That was it.

MR. TAYLOR: I wanted to ask Mr. Rachlin, what year was this statute about criminal anarchy enacted? Is this an old one?

MR. RACHLIN: That is a fairly old statute.

MR. TAYLOR: Was it passed in the last few years?

MR. RACHLIN: No. It was, I understand, enacted in 1934, in that period.

MR. TAYLOR: One other question. I notice that when Mr. Clark closed the university he said the students were guilty of anarchy. Does that have anything to do in connection with this prosecution of criminal anarchy?

MR. RACHLIN: No. CORE has instituted two proceedings in the Federal Court in Baton Rouge to try to force the return of some of the students who were expelled. Those cases are actually pending in the Federal Court right now, and if you permit me, sir, I would rather not
comment, but the anarchy plays no part in that proceeding. Those were just words that were used at the time.

MR. TAYLOR: "Do you have a copy of this statement?"

MR. RACHLIN: I do not, sir.

EXAMINATION BY MR. WATTS:

Q. Do you have any suggestion, Mr. Moore, of what could have been done with regard to the inquiry into the brutality against you and David Dennis and Jerome Smith that might have created a more accurate reflection of the events?

A. I can't get that.

MR. WATTS: I will give you one example.

Q. Would it have been better if the FBI had Negro investigators instead of white? Would it have been better if they had integrated the police officials in front of you? Do you have any suggestion as to how this could be ferreted out in the future instead of a situation where you claim that you were beaten up and the FBI makes a report that you were not. Do you have any suggestions?

A. My suggestion would be send more liberal men to serve as FBI men in the south instead of appointing local boys.

Q. Were these people local boys who investigated that --

A. Most of the FBI men. The one U.S. Marshall told me only two out of state he mentioned. I don't know exactly --

Q. How about the man who interviewed you, where was he from, as far as you know?
A I know one was from Maryland and the other two were from different parts of the south but I can't recall where. I think one was from Texas, I recall.

Q Your proposal would be then send an agent from the north, I take it, if they are going to try to find out whether you were beaten up or not?

A I would say liberal and impartial men, no matter where they come from. I don't want you to send hypocritical northern liberals up.

Q What would be your suggestion on that?

A I am not concerned with whether they be Negro agents, or whether they be white agents as long as they be fair and impartial, wherever you find these men and what race you find these men, doesn't matter to me.

MR. WATTS: Madame Chairman, I would like to suggest, as a Marylander, that it is possible for some of them to be liberal and impartial.

Q Mr. Moore, just one final question.

MR. THOMAS: I would like to ask a question.

MR. WATTS: Please do.

BY MR. THOMAS:

Q I notice in your description of your stay for fifty seven and fifty eight days in the solitary cell and one other, and between you you only had bedding for one, I believe that was your testimony. Is this the usual procedure for people
who can't raise bail in the State of Louisiana, or don't you know?

A. I don't know whether this is the usual procedure of people who can't raise bail. Most likely. I think we have fifty people back in the parish prison who cannot raise bail who are in the jail and some are sleeping on the floor and are not. I don't know whether this be the usual procedure for people who can't raise bail. However, I know that this is the usual treatment for people in a Civil Rights struggle because when I went back to jail on the 24th I spent one night so the lawyers could file this notice of appeal to the court. I was placed in the same cell, so it was traditional with me.

MR. THOMAS: I think it is worth noting that this procedure, this fifty seven and fifty eight day procedure applied to a man who had not been tried at all, had not been found guilty of anything and was merely there because he couldn't raise bail, and it seems to me of some significance.

I would like to make an observation in connection with Mr. Rachlin's statement concerning the injunction that had been granted by a new Federal judge, and my observation which had no legal force, is this, that when I was in New Orleans recently my civil liberties friends made rather very serious claims concerning the caliber of recent appointments to the Federal bench. Judge
Skelly Wright being reported to the Court of Appeals is going to have a lot of work trying to correct what is being done now. If I am correctly informed --

MR. RACHLIN: He will never get that chance, Mr. Thomas.

MR. THOMAS: I know it.

MR. RACHLIN: Because he is appointed to the Court of Appeals in this district.

MR. THOMAS: Oh, that is not this district. Well, I want it on the record because this is not a formal legal hearing, that this was the statement made to me, and they were all white people, and by a number, not just by one, and I think I was reminded of it by your calling attention to this injunction.

Madame Chairman, I think this is all.

MR. WATTS: We have some time, Mr. Culbertson, if the Committee and other witnesses will realize that we are now laying a basic background on one case and other presentations will have to be much briefer if we are going to cover, but go ahead, Mr. Culbertson.

EXAMINATION BY MR. CULBERTSON:

Q As an attorney I am very much interested in what took place after you were placed in jail. Were you visited by the traditional bondsman?
A The second time the bondsman visited us once, and this was at his request. We made --

Q Was he white?

A Yes.

Q Did he discuss with you what trouble he would get into if he underwrote your bond?

A Well, not in Baton Rouge. Usually we believe that the parish officials and certain bondsmen, coming to civil rights cases, usually get together. Now, this is -- cannot be proven. The reason why we believe this is that $6,400 was spent for bondsman fees in the last demonstration. The bondsman who put up our bonds at the same time -- the present parish officials we believe, have interest in the same bonding company. Usually, when we need bond in Baton Rouge, we have to get it from this bonding company or --

Q Is it locally owned?

A Locally owned. I think it is on -- no, another company somewhere else.

Q What is the standard fee per $100, $10?

A Ten per cent, yes.

Q While you were there, did you send for a bondsman or did he come in?

A He came in once. We made several requests to see him. We were denied these requests.
Q  Did local people in there suggest to you who you should get if you wanted a bondsman?
A  No, they didn't suggest. They didn't need to because we knew exactly.

Q  You knew the set-up? The record is a little silent about this. I would consider it incommunicado. Were you permitted visits by your family?
A  Definitely not.

Q  Were you ever in conference with an attorney while you were there?
A  Yes.

Q  During that period of incarceration?
A  We were permitted legal counsel.

Q  Did they talk with you in the cell or did they provide a private hearing room for you?
A  They talked to us on a bench and they would have to talk very low if they didn't want the officers to hear because the officers were all around us, not very close.

Q  Did you have a suspicion or evidence as to whether the hearing room where you conferred was "bugged"?
A  No, I don't believe it was. You never can tell.

Q  I want to leave that for just a minute and talk to you about the FBI interview. Did you make any effort after you were arrested to contact any representative of the FBI?
THE WITNESS: During my stay in jail?

MR. CULBERTSON: When you were in jail did you try to get word to them to complain about the violation of your civil rights?

A We spoke to several United States Marshalls. They came to serve us injunctions, so I took this time to talk to them.

Q Did you ever ask them to have someone from the FBI come and investigate the violation?

A No, we didn’t request any FBI -- as a matter of fact, I said we reported it to the FBI after we were released from jail.

Q Were you interviewed by the FBI agents in the FBI office there at the jail?

A It was in the FBI office.

Q In Baton Rouge?

A Right.

Q Were you ever given any opportunity to confront these officers that you contend attacked you or slapped you or choked you?

A No. We weren’t permitted to confront them other than when we were arrested, we went back to jail. We saw them quite frequently then.

Q Were you mugged and fingerprinted?

A Yes.
Q By the Baton Rouge authorities?
A Yes.

Q Did the officers there treat you with respect or did they use derogatory terms in talking to you?
A I don't think that we go to jail with the hope of being respected. Definitely they didn't respect us because if they respected us, if they respected democracy, we wouldn't have been in jail in the first place.

However, the atmosphere was very hostile. Oftentimes we were referred to in profane language, and we were looked upon and you could see it in their eyes, in this hostile atmosphere, and simple requests, like to get an aspirin, we would be too dazed to refer to the atmosphere -- and one man, Rougeau, was suffering from heart trouble, so he thought anyway. He had a pain in the heart. It could have been gas, so he went out to see the doctor and the doctor looked at him and said "You are too good looking to have heart trouble". He said "You have something on your back. Take this alcohol for it", so the general atmosphere from the doctor on down to the other officers there was one of unconcern.

Q May I ask you this: Did you feel safe in custody?
A We were placed under maximum security, they called it.

Q I don't mean safe from the outside, I mean safe from the inside.
We didn't feel too safe. After the FBI investigation, when the atmosphere changed, we felt as though they wouldn't attack us again, but you never can feel really safe.

Q: I would like to ask one final question. I don't want to take up too much time here. As I understand it, the university where you attended is an all-Negro student body?

A: Yes.

Q: It is a state supported school by the taxes of the general public?

A: Yes.

Q: Is it operated by regents or trustees?

A: By the State Board of Education.

Q: Are there Negroes who are members of the Board of Trustees of the Board of Education at the school?

A: Definitely not.

Q: Do you know whether or not there are members of the White Citizens Council that run the school?

A: Yes. Matter of fact, the Superintendent of Education is a member of the White Citizens Council and several members -- oh, the district attorney in Baton Rouge is chief legal counsel of the Louisiana White Citizens Council.

MR. WATTS: Mr. Moore, I understand that if you do not spend too many years in jail for trespass, criminal mischief and criminal anarchy, it is your intention to become a minister; is that correct?
MR. WATTS: Thank you Mr. Moore.

MR. THOMAS: May I say in justice to the FBI that I had to get action by a grand jury to talk to the FBI in a northern state, so that is some progress.

MR. WATTS: Madame Chairman, members of the Committee. We have an unexpected witness here today. I would therefore like him to present to you briefly his views of what may be done. It is the Honorable William Fitz Ryan, a member of Congress.

We are putting him on now because he has congressional commitments. We respectfully asked him to be as brief as possible because we are behind schedule.

REP. RYAN: I have a few copies of a statement which I prepared last evening which should help the Committee.

Mrs. Roosevelt, distinguished members of this Committee, I appreciate the invitation from CORE to appear before you this morning in this very important hearing which the Committee is undertaking.

In the first place, I should like to commend the establishment of this Committee looking into the
Administration of Justice in the Freedom Struggle.

I think all of us will agree that Civil Rights is the most important issue facing our nation, that it goes to the very heart of our democratic system and one which, unless we resolve it, must necessarily continue to cause doubt to our national commitment to liberty.

It seems to me, I am sure, incredible that one hundred years after the Emancipation Proclamation, that such a Committee should be necessary.

However, I feel the need for action, for indispensable citizen awareness. The Freedom Riders, the sit-ins and the gallant and courageous activities of concerned citizens over all the nation have dramatically shown that the United States must still translate our foundation principles from rhetoric to reality and therefore make this Committee necessary.

We have heard this morning from Mr. Ronnie Moore of one of the conditions which confronted him in Louisiana. We have seen that the criminal anarchy statute is being used for the purpose of --

There is no doubt in my mind that the Supreme Court would reverse convictions in these cases. However, under Louisiana laws, if a defendant is sentenced to five years of hard labor, he may not be released on bail pending an appeal.
It is quite possible that these young men, Moore, McDew and Zellner will spend years and months in jail pending appeal.

These cases present a challenge to the United States government, one which should be met. It seems to me that the Federal government, through the Attorney General's office can take action to meet this.

I suggest that there are two sections of the United States Code which can be used. One section, 241 of Title 18, makes it a crime for "Two or more persons to conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same."

The section 241 does seem to have applicability to this situation.

We see that Mr. Moore, Mr. McDew and Mr. Zellner were arrested for exercising their constitutional rights of freedom of speech. I suggest that section 242 of Title 18 could also apply. This makes it a crime for any person to act willfully
under the color of state law to deprive any person of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States because of his color or race.

I do think, therefore, that we have laws under which the Department of Justice can commence an investigation and bring the officials in Louisiana to justice.

The procedures I outlined may raise legal problems. It serves no purpose, however, for the Attorney General and the Department of Justice to argue in the abstract about the difficulties that may be encountered. American citizens are threatened with jail terms for upholding the Constitution.

I think the Attorney General should act to the fullest extent of his powers. It is a sad commentary that the Congress has not been willing to extend the powers of the Federal government in civil rights, but there are laws on the books which should be used.

Your Committee, I know, will play a vital role in bringing to the attention of the public and the government the fact that we are a long way from securing the rights spelled out in the Constitution to all our citizens. Until there is equal opportunity
for all people, regardless of accident of race or color, we must continue an unrelenting fight for civil rights.

Until the time comes when in this country every human being, because he is a person, not because of his ancestry or the color of his skin, can develop to his greatest potential, no one of us can be satisfied. The promise of democracy must be fulfilled.

I appreciate the opportunity to address this distinguished Committee. Thank you very much.

MR. WATTS: Mr. Rauh would like to ask you a question, Mr. Fitz Ryan.

MR. RAUH: Far be it from me to reject a proposal that the Attorney General do something, but what possibility is there to obtain a conviction under U.S. 241 and 242 in the very place where the white citizenry is so hostile to the "wrong American".

MR. FITZRYAN: I think we must say, very little exists on the statute books and it is not very clearly demonstrated that the Department of Justice and the Attorney General are determined to take action in civil rights cases.

I don't believe that we should write off as
foolish all my remarks or write off any jury until they have a chance to hear the evidence.

MR. RACHLIN: Mr. Rauh, I would like to say on this, the Department of Justice at the time of the difficulties in Alabama, did seek and obtained an injunction against certain individuals in Alabama.

"In my own mind, I believe this road to legal redress has not been fully explored.

MR. THOMAS: That is what I was going to say. A sensible way for Justice to act is not in doubt, sir, where chance of conviction is so slight, but to bring an injunction to stop this kind of persecution which is so fully violated within the United States: I agree thoroughly with Mr. Rachlin.

MR. FITZ RYAN: The other way is the way the statute is based in this section.

MR. CULBERTSON: May I comment that I didn't quite follow that line of reasoning that you are not going to win these cases and get a conviction. We have a constitutional law to do it. Unless somebody does it, it will be like this situation over here.

When I have these situations arising in South Carolina, I sue the officers in the Federal Court, knowing the chances are very slim. I won't win.
I won't win. But it has a salutary effect because then you know these things. They have got to be exposed.

I don't win but I have a lot of fun in it.

MR. WATTS: Thank you, Mr. Fitz Ryan for appearing here today. I am sure the Committee will agree that if any other members of Congress care to submit statements to the Committee, why, we will gratefully accept it.

MR. FITZ RYAN: Thank you very much.

MR. RACHLIN: Madame Chairman, Mrs. Roosevelt, and members of the Committee, with your permission, at this time I should like to call Mr. Weldon Rougeau as a witness.

WELDON ROUGEAU, called as a witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Mr. Rougeau, I take it you were born -- you are a native born citizen of Lake Charles, Louisiana. You are nineteen years of age, is that right?
A Correct.

Q You were one of the students who were expelled from Southern University?
A Correct.

Q Were you present at this workshop that was described
by Ronnie Moore, conducted by Moore on December 7th?

A. December 7th.

Q. Did you participate thereafter in the picketing demonstration in downtown Baton Rouge that he referred to?

A. I did.

Q. How many were with you at that time?

A. Twenty-two other students.

Q. Twenty-two others? Do you recall the name of the commercial establishment you were picketing?

A. Kress'.

Q. That is a well-known national chain.

A. That is correct.

Q. Were you carrying any signs at the time?

A. Yes, I was carrying a sign.

Q. What did the sign say?

A. "Don't Buy Discrimination".

Q. Were other students carrying signs?

A. All the picketers were carrying signs.

Q. Was anyone prevented from entering or leaving the store by your demonstration?

A. Anyone prevented?

Q. Yes.

A. No.

Q. Was this activity conducted in a violent or particularly noisy manner?
A  No, it was carried out very orderly.

Q  How long were you there before the police took some action?

A  A minute and a half.

Q  A minute and a half? Seriously, how do you know it was that minute and a half? Are you able to tell us that?

A  Well, I would say that I had walked a distance of approximately twenty feet, and only walked this distance about three and a half times. So, I would ascertain it as being --

Q  How many officers appeared?

A  There were two who appeared. Only one appeared before me.

Q  But all of you were arrested?

A  All of us were arrested.

Q  Where were you taken?

A  We were taken to the East Baton Rouge parish jail.

Q  At that time, was bond set?

A  Yes, bond was set.

Q  Who set the bond, do you recall?

A  Well, I think the judge set the bond. I think it was Judge Blanche.

Q  Judge Blanche?

A  Fred Blance. Bond was set at $1,500.

Q  Yes? What was done on the setting of the bond?
As a result of starting the bond at $1,500, we stayed in jail twenty one days.

Q  Wasn't it possible to raise the bail?

A  I had no money. My parents had no money. CORE didn't have the money or we would have been bonded out.

Q  How many students remained in jail?

A  All of us.

Q  All of you remained in jail twenty one days?

A  Yes.

Q  What were you charged with?

A  We were charged with obstructing the free claimed use of the sidewalk.

Q  You stayed in jail twenty one days?

A  I stayed in jail twenty one days.

Q  Do you recall the day you were bonded out finally?

A  January 3rd.

Q  January 3rd?

A  1962.

Q  So, therefore, you didn't participate in the large demonstration from Southern University into Baton Rouge?

A  No.

Q  You were otherwise engaged?

A  I was engaged.

Q  Shortly after you were back at school was any official action taken by the university against you?
A      Yes. The University Disciplinary Committee suspended us for an act of misconduct this time.

Q      What happened as a result of this action?

A      We were suspended and told we would be denied the right to re-register for the second semester.

Q      When was the next time that you were arrested?

A      On January 18th.

Q      Will you just describe the events leading up to that arrest.

A      You mean as of that date?

Q      Of that date.

A      During that time?

Q      Let me interrupt you for a moment. Ronnie Moore has given some background. Do you subscribe to what he said in the record?

A      Yes.

Q      Please describe what took place prior to your arrest that day.

A      After Dr. Clark proclaimed the school closed as of five o’clock that evening, we decided we would leave the campus. I was waiting for a few of my co-workers. Ronnie was in this number.

In going off the campus, it was raining and I had to seek refuge from the rain under the ramp, under the new
gymnasium. In going under this ramp, I remained there a few minutes with reason.

After remaining there for approximately ten minutes the sheriff's prowel cars arrived and an officer or sergeant came out and said: "What is your name boy?"

I told him, "Weldon Rougeau". He put the same question to Ronnie and Ronnie told him his name. He said: "Both of you are under arrest" and took us in the car. We were arrested for trespassing the college campus.

Q You were arrested for trespassing the college campus of which you were a student?
A That's right.

Q Did he tell you what you were arrested for at that time?
A He said: "You are arrested for trespassing the college campus"

Q What happened to you at that point?
A We were led to the car and he embarked in the vehicle. He told the other officers; "You stay here and arrest any one of these seven."

I think Ronnie pointed out that the seven of us were officially dismissed from the university.

Q You heard him say that with your own ears?
A I heard him say that.
Q. To the best of your recollection, what time did that arrest take place?

A. I would say five-twenty, although Ronnie had some difficulty with the time. It was about approximately five-twenty, twenty minutes after the school had been proclaimed closed.

Q. It was your intention to leave the school? You had no intention to remain except for the rain?

A. That is correct.

Q. Were you asked on the way out, or given a chance, to leave the premises?

A. No, I wasn't asked.

Q. You weren't asked to leave, you were merely arrested?

A. I was arrested.

Q. Were you taken to the East Baton Rouge parish jail?

A. Yes, as we had before.

Q. What were you charged with when you got to the jail building?

A. Well, we arrived at the desk and our good friend, Sergeant Pritchard, the district attorney, said: "Lou, tag on the same section for anyone that was disturbing the peace."

He had it for 22-1031, something like that. The desk sergeant asked him: "Is there anything else?" He said: "No, that will do for the time being."
Q. You were placed under Statute 4.5?

A. 405.

Q. 405. Pardon me. How long did you stay in that cell?

A. Fifty-seven days.

Q. You and Moore, is that right?

A. Yes.

Q. How many windows were in this cell?

A. Windows?

Q. Yes. How many windows?

A. There was one window in the door where the officer would take a peek.

Q. No window to the outside?

A. There was no ventilation.

Q. What ventilation was there?

A. There was a very hot heater in there. It is similar to the air conditioner, but more of a vent, you know. There was hot air from that all the time.

Q. What were the facilities in the cell?

A. In the cell? There was one steel bunk, a lavatory and face bowl.

Q. How often were you allowed out of this cell?

A. We were allowed out of the cell approximately twice a week for showers for thirty minutes and when our attorneys would come to see us.

Q. Just twice a week? Were you given any daily exercise?
A  We had to do this on our own.
Q  Inside of the cell?
A  Inside of the cell.
Q  Now Weldon, what was it like to be in jail fifty-seven days?
A  Like a sardine in a can.
Q  What did you and Ronnie talk about?
A  We talked about the Civil Rights movement. We actually had a critical analysis of personalities in the Civil Rights movement. We prayed. We sang freedom songs. We debated issues. We spent our time there quite well.
Q  Have you been brought to trial?
A  No, I have not.
Q  How many things are you charged with?
A  I am charged with three. I have three charges.
Q  Just briefly --
A  Obstructing the sidewalk, disturbing the peace and criminal trespassing.
Q  Have any one of them been dropped?
A  Not to my knowledge.
Q  Have you been tried on any one of them?
A  I have not been tried.
Q  What is the total bail against you this morning?
A  $8,500.
Q  $8,500?
A  Correct.

Q  What is the total time, if you can add it up, the number of days you have spent in jail?
A  Seventy-eight days.

Q  Seventy-eight days?
A  I think there is an error on the information sheet. It is seventy-eight days.

Q  And the two particular acts you were engaged in was one half minute picketing in front of Kress' store and staying under the ramp near the gymnasium, is that correct?
A  That is correct.

MR. RACHLIN: Mrs. Roosevelt and members of the Committee, if you wish to inquire ---

MR. CLARK: This area that you were under, was this on the campus?

THE WITNESS: Yes.

MR. CLARK: You were arrested by the State Sheriff?

THE WITNESS: The sheriff.

MR. CLARK: On the campus?

THE WITNESS: On the campus.

MR. CLARK: Was it usual for the police in Baton Rouge to control the campus of Southern University?

THE WITNESS: Very unusual. They will only come on the campus at the request of the university officials,
Southern University officials.

MR. CLARK: Do you happen to believe their presence on the campus and that your arrest reflected a request of the university officials that they be there?

THE WITNESS: I would think so.

MR. CLARK: How long were you a student?

THE WITNESS: Well, I was in my sophomore year.

MR. CLARK: Had you seen police on the campus before?

THE WITNESS: Rarely. For football games.

MR. CLARK: One other question I would like to ask. On January 17, you say the University Disciplinary Committee suspended you for misconduct. This was the time that you had been in jail for twenty-one days?

THE WITNESS: Correct.

MR. CLARK: Did you expect this action on the part of the committee?

THE WITNESS: Yes, I did. It was my realization it was coming to that point. I did expect it. I knew some of us would have to go. They certainly wouldn't let seventy-three agitators go. They were going to get us somehow. I think it was the committee --
MR. CLARK: You see yourself as an agitator?

THE WITNESS: No. I am merely quoting the university.

MR. THOMAS: Madame Chairman, I am not clear in my mind: Was the whole university dissolved and every student obliged to re-register before the whole thing was over?

THE WITNESS: You mean for the second semester?

MR. THOMAS: Yes, for the second semester.

THE WITNESS: I could not comment on that, Mr. Thomas. I was in jail. I don't know what procedure was taken but I don't think this happened, that everyone had to re-apply.

However, the students who had been involved, the students at the university whom they didn't wish to have re-admitted, they had to re-apply.

MR. THOMAS: The ordinary students did not?

THE WITNESS: Not to the best of my knowledge.

BY MR. RACHLIN:

Q Mr. Rougeau, are you affiliated with any organization in Baton Rouge?

A Any organization?

Q Yes. Are you a member of CORE, something like that.

A CORE.

Q You have a position?
A Yes, I am Vice President of the Baton Rouge chapter of CORE.

Q Was this fact known to the authorities?

A Yes, it was.

Q Was it ever referred to in any way?

A They knew this. They never did say anything about it. Several times we had literature we had passed out and the names of the executive committee were on it.

Q Do you know what position Ronnie Moore holds in CORE in Baton Rouge?

A Chairman.

Q He is Chairman and you are Vice Chairman. So you both spent fifty-seven days altogether?

A Seventy-eight.

Q Seventy-eight altogether?

A Yes.

MR. SHISHKIN: You are referring in this testimony of yours to the Southern University near Baton Rouge?

THE WITNESS: Yes.

MR. SHISHKIN: In your statement that Dr. Felton Clark on January 18th ordered the students off the campus, you are referring to his own personal action as President of this university?
THE WITNESS: Yes.

MR. SHISHKIN: Was there any action by the Board of Trustees or any other action by the faculty giving him that authority?

THE WITNESS: I don't know for a fact there had been authority. I know he called a student convocation at twelve o'clock, came in infuriated and said: "As of today at five o'clock the school is officially closed." He made several other remarks.

MR. SHISHKIN: Is it the opinion or is it the opinion of yours that the President of the university has that authority to act in such a way?

THE WITNESS: I don't know that. Perhaps he has. I suppose he has.

MR. RACHLIN: If there are no further questions perhaps we could ask Mr. Rougeau --

MR. CULBERTSON: I have.

MR. RACHLIN: Excuse me, Mr. Culbertson. I didn't mean to cut you off.

MR. CULBERTSON: Mr. Rougeau, during all this ordeal has anyone connected with the churches of all faiths made any protest about the treatment of you fellows?

THE WITNESS: Churches?
MR. CULBERTSON: Anyone connected with any Christian church or otherwise, made any protest against the treatment accorded you?

THE WITNESS: Yes. There is an organization called FOCUS, of which there are several ministers in this organization. They have protested -- a whole sheaf of papers protesting the actions taken against the students, tear gassing, dogs, and every-thing. Several ministers, one white minister, but not publicly.

MR. CULBERTSON: Has there been any public condemnation of the community leaders?

THE WITNESS: Yes, certainly and also the faculty of Southern University we feel are cognizant of what happened.

I think they see it. It is not a matter of people being apathetic to the whole situation. I think they have certainly shown exactly how they feel about it. Not only the ministers, but also the faculty.

This is something different from the first demonstration when we didn't have the faculty.

MR. THOMAS: Did you have literature in connec-tion with the protests there?
THE WITNESS: Not to my knowledge, Mr. Thomas.

MR. CULBERTSON: Do you have any Negro police officers?

THE WITNESS: None.

MR. CULBERTSON: None at all?

THE WITNESS: No.

MR. CULBERTSON: What is the percentage of the population of Negro to white in Baton Rouge?

THE WITNESS: Oh, I would say, six to one.

MR. CULBERTSON: Six to one? Which is which?

THE WITNESS: Six whites to one Negro.

MR. CULBERTSON: Do you have a registration program for Negro voters there?

THE WITNESS: We certainly have.

MR. CULBERTSON: Has it been effective?

THE WITNESS: It has been quite effective. It is only two weeks old and up to this time we have registered approximately twenty-five Negroes.

MR. CULBERTSON: A total of twenty-five Negroes registered to vote; in a total population of how many Negroes?

THE WITNESS: There are 30,000 or 31,000 Negroes eligible to vote and only 10,300 are registered.

MR. CULBERTSON: In Baton Rouge?
MR. CULBERTSON: In Baton Rouge?

THE WITNESS: No, East Baton Rouge parish.

MR. CULBERTSON: Do you believe that if the Negro registered and voted your condition would improve?

THE WITNESS: If the Negro registered, I don't think that registration is going to solve the problem. Registration only brings about a different political structure, maybe. Different officials. Now, it is the action of the officials that determines exactly what is going to happen. Extreme registration is not going to do it. We could not use registration alone or think it will solve the problem.

Behind the registration there must be implementation. That is something we have been researching for so long.

MR. WATTS: Thank you, Mr. Rougeau. Mrs. Roosevelt, members of the Committee, our next witness is Reverend B. Elton Cox.

REVEREND B. ELTON COX, called as a witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. WATTS:

Q Mr. Cox, we are increasingly getting further behind
schedule and yours is an important statement. We do ask that you give it as briefly as possible.

You, I understand, are ordained a minister of the Congregational Church. You are now pastor of the Pilgrim Congregational Church at High Point, North Carolina, that you have been and I believe still are, when you have time, available as field secretary for CORE, is that correct?

A That is correct.

Q Now, you participated in this demonstration "Don't Buy" campaign in Baton Rouge in December 1961, is that correct?

A Right.

Q Will you tell the Committee exactly what you did and what happened to you in the course of that demonstration?

A In November I was appointed Director across in North Carolina and in Louisiana. In the month of November I made several visits to Baton Rouge and other cities in Louisiana. One of the other organizers there, Mr. David Dennis, along with the new organization of CORE protested in the downtown area of Baton Rouge. They had a wonderful workshop which the sheet here states over 170 persons were trained in non-violence, and I had the privilege of addressing this group for three minutes and to participate in a non-violent direct action.

As indicated here, on December 14th, our first major
project was the arrest of 23 persons who were picketing downtown. I happened to go downtown to observe this.

Very often, as soon as people got out of their automobile with signs, they were arrested.

Q Were you arrested at that time?
A No.

Q All right, go ahead.
A The night of December 14th, Ronnie Moore and I, as indicated in his remarks, went to the campus of Southern University to arouse the students for a silent protest march to downtown East Baton Rouge, at the courthouse.

The jail happens to be on the fourth floor of the courthouse. Ronnie made the major address, I gather, and asked the students to meet at a church in Scotlandville, which is a section of East Baton Rouge, where we met the next morning, about December 15th.

As a matter of fact Ronnie indicated he was arrested before we even contemplated to make the silent protest march on the 15th. Before that, as director of CORE activities in Louisiana, I was amazed to see 3800 students --

Q How many?
A Approximately 3800.

Q Which is virtually the entire student body of Southern University; is that correct?
A That is correct. We went downtown in automobiles and
taxicabs. Approximately 800 walked because they hadn't any transportation.

We assembled at the old State Capital in the City of Baton Rouge approximately at 12:15 and proceeded to the East Baton Rouge parish courthouse to conduct a short protest rally.

When we arrived there was the whole fire department waiting for us and 300 sheriff's deputies were waiting there and the City police force.

There was a group of officials and we discussed this matter of the water.

Q Mr. Cox, in referring to the order of business, this was a statement of the manner in which you intended to conduct this protest demonstration?

A That's right.

Q Is that correct?

A That's right.

Q Will you give us very briefly a summary of what you intended to do at this demonstration?

A We intended to sing one stanza of "God Bless America," recite the Lord's Prayer and make allegiance to the Flag at the courthouse and to hear an address by me for about seven minutes, to display our signs. That we were going to protest the arrest of the 23 people in jail on the fourth floor, and the dismissal and their return to the university campus.
An officer asked me how long it would take. I said: "Approximately twenty three minutes." He said: "Get on with it. Get it over."

We went through this program. There was no flag on the courthouse so we made a silent allegiance. I made my address.

At the close of our program, the students upstairs in the jail heard us singing and they sang back to us out of the jail.

When the songs came out of the jail approximately 1,300 students shouted in repetition and praise of them singing out to us.

It was at this moment the tear gas shells were thrown. I was hurt by a two and a half pound tear gas shell. There was a ring of them thrown at us.

Q A ring of tear gas shells?
A A number of them. As the paper here would indicate, about forty seven were thrown just in front of the courthouse alone.

Q How do you know forty seven were thrown?
A After we dispersed and we went downtown and marched on Third Street and Main Street of Baton Rouge, down one side and down the other, we were tear gassed the second time.

The second tear gas hit my right ankle and I was injured. I had to be carried to the automobile, flagged down with a Negro driver and I was taken to a Roman Catholic hospital.

Later, my ankle was treated and when I left the hospital, the Negro driver drove me back to the courthouse.
We went back and we saw a number of umbrellas, pocketbooks and coats. We counted alone in front of the courthouse forty seven tear gas shells.

It was then I was taken to the church where we held a meeting to talk about the protest march. It was there I dictated a telegram to the President of the United States stating in short: WE CAN STAND DOG BITING -- that is, we could stand a dog bite -- WE COULD STAND TO BE BEATEN BY NIGHTSTICKS, BUT NOT THE TEAR GAS.

We said: If he could sell airplanes to Yugoslavia, he could sell gas masks to Baton Rouge.

Because of my injury, they did have to pick me up and arrest me, I could not walk. I was placed in jail approximately six thirty on December 15th.

Q. What were you charged with?
A. I was charged with failing to obey the police officer, taking over lunch counters, criminal mischief. I remained in solitary confinement for ten days and could not walk.

When my attorneys visited me I had to be carried out by a Negro trustee. I was bonded out of jail for $6,000.

Q. Let us go back a minute, first of all, to the question of the dogs you referred to. These were police dogs that were part of the unit of the Police Department?
A. That is true. The city of Baton Rouge has two German canine dogs.
Q  What did they use them for?
A  I heard a major of the police force order the dogs. I asked him not to do it, but he did. When we were re-assembling on Third Street after the tear gassing, they sixed the dogs on us and their dogs attacked the college students, tore the students' coats.

Q  Now, you have stated that when you went back to town later before you were arrested, after you had been to the hospital for treatment of your ankle, that you saw clothing, pocketbooks, umbrellas, and so forth scattered around.
A  That is true.

Q  Do you know why all of that happened to be abandoned? What did the students do?
A  At the first tear gassing a number of them ran, of course, trying to get to higher ground, so to speak, to get some air.

Q  Just to clear up this aspect, Mr. Cox, do you have any idea how many students were injured or tear gassed or attacked by the dogs or anything else in connection with this demonstration?
A  We don't have the total number but more than three hundred students were treated later on that evening at the college infirmary for either dog bites, being trampled or inhaling tear gas.

Q  The figure you gave us earlier indicated that 363 students were treated at the college infirmary. Does that
coincide with your present recollection?
A. That is correct.

Q. All right, come again to the situation of your bond. What was the original bond set for you?
A. The original bond was set for $2,000. When this was sent and brought to the jail by my attorney, they raised my bond to $4,000.

Q. Was there any reason given for doubling your bail at that point?
A. Not to me.

Q. Was this additional $2,000 raised and posted?
A. Yes, it was posted, and when they came to get me out of jail for $4,000, they then raised it to $6,000.

Q. Was there any reason given for this new raise of bail $2,000 additionally?
A. Not to my knowledge. The attorneys returned with $6,000 and they then raised it to $8,000. This was in a sequence of days.

When they came back and found it was $8,000, they protested along with some students of the city. They reduced it to $6,000 and on December 27th I was bonded out of jail with bail at $6,000 and with court charges on my head.

Q. Have you now been tried on any of these charges?
A. Yes, my trial was set for December 18th. When they knew I was returning from North Carolina, they re-set the trial for
January 29th.

Q When you said December 18th a moment ago, you meant January 18, 1962.

A Yes, that is correct.

Q It was re-set for January 29th?

A The 29th. I was tried on January 29th, 30th and 31st.

Q That was a three-day trial?

A A three-day trial. It cost the now defunct State of Louisiana quite a bit of money.

Q Mr. Cox, we will not go through that aspect. What happened at the trial? Do you have any particular comment on the manner in which the trial was conducted and also we would then like to get what was the outcome of the trial.

A I was tried for three days as I stated before, in a very hostile situation, hostile in the sense that the Fire Department was called out to maintain what they called order in the hallways of the courthouse.

Half of the court room is normally set aside for Negroes and half for white. The Negroes took up the Negro side and half of the white side. Approximately 245 were counted. In the hallway, they were forced over to stand at the side by the Fire Department.

Q This was 245 Negroes?

A That's right. Inside of the court room sheriff's deputies were lined up along the wall, very often holding their hands
on their thirty-eights and other weapons, looking very hos-
tile and during court sessions I was cursed many times.

I would immediately turn around and look and they would
speak to me with their lips, speak that they were going to carry
my head off my shoulders -- someone wanted to do that.

Many white people looked at me and rolled their eyes and
so forth.

Q Now Mr. Cox, this three-day trial, I gather, was held
on four charges, namely, taking over a lunch counter, blocking
a sidewalk, failing to obey an officer and criminal mischief.
A That is correct.

Q What was the outcome of the trial?
A The outcome of the trial, the night of January 31st,
Judge Fred Blanche dismissed the charge of taking over the
lunch counter. He said, in my remarks in front of the court-
house seemed to indicate that I did say to them, "It is lunch-
time. Let us go downtown and eat." He said that since I re-
quested this and the students did not do this, he would drop
that charge.

He then took and sentenced me on the other three charges
to a total of twenty one months in jail and $5,700 fine.

I was promptly taken to jail at the close of the third and
last sentence. My lawyers charged it was an illegal sentence
in that the judge did not stand me up and ask me if I was
ready for sentence and have me face the court.
I was placed in jail then for ten days. I was bonded out on the same bond of $6,000.

Q  You were actually placed in jail to serve your twenty one months' sentence plus a $5,700 fine?
A  That's right.

Q  And you remained for ten days until you were bonded out?
A  That's right.

Q  You are now out on bond on these charges?
A  That was the second time. I returned to jail for a legal reason, to test the legality of the sentence and I remained in jail for thirty three days, a total of fifty three.

However, the first ten days of the first arrest and ten days of the second arrest I was in solitary confinement in a room seven by five or five by seven.

The first ten days I wasn't permitted to read anything. They finally gave me a paper which read on the inside, "Censored by the Sheriff's Office".

Q  Mr. Cox, you have testified that you had been treated at the local hospital because of the injury received from the tear gas shell. Did you receive further treatment while in jail for this or for any other disability you might have had?
A  Well, the doctor did check me over after many requests. Very often Freedom Fighters in the jail can request to see a
jail physician and the guard will ignore it.

However, protest from my attorney and the jail doctor visited me twice about my ankles. Very often he had to see me having a sore throat because of the ventilation situation in the jail. Each morning I had a sore throat.

In the daytime, they would turn the heat on and at night they would turn the air conditioning on.

Very often the deputy sheriffs would bring their wives down to peep at us through the peephole, to see Cox.

Q    Mr. Cox, do you have any permanent injury to the ankle?

A    The evening I was injured was December 15th. When I run to catch a bus or for any purpose, my ankle hurts me. When I put my weight on the right foot, my ankle hurts me.

I am instructed by my attorneys rather than to file suit, it would be better to wait until after my case is disposed of in the Louisiana State Court or the United States Supreme Court.

MR. WATTS: Mrs. Roosevelt, do you have any more questions? If the Committee would like to question Reverend Cox --

MR. BALDWIN: May I ask a question about the charge of criminal mischief. What testimony did you give under that? What charges were made?
THE WITNESS: That charge of criminal mischief, being as I understand it, that I conspired with two or more persons to try to overthrow the statutes of Louisiana pertaining to race relations in that I did speak at the workshop conducted by the East Baton Rouge parish chapter of CORE.

I did make certain statements in my remarks in front of the courthouse --

MR. BALDWIN: In other words, it is very much like the charge of criminal anarchy?

THE WITNESS: That's right. Fortunately, they got all they wanted at that time.

MR. BALDWIN: The statute had not been tested at any time before? I think there is an opportunity to do something along that line.

MR. WATTS: If there is nothing else, we will excuse Reverend Cox.

EXAMINATION BY MR. BALDWIN:

Q If they don't arrest you for one thing they will arrest you for another?

A Yes, I hate to spend twenty-one months in prison, but in the Baton Rouge parish jail which is more terrible, and I am
facing forty two months and I am not getting credit for the fifty two days that I have already spent.

EXAMINATION BY MR. TAYLOR:

Q Could I ask you some questions about the bail procedure here that you testified about?

A Yes.

Q You say that you were arrested and put in solitary ten days and your bail was set for $2,000?

A Yes.

Q Was that set when you were first arrested or during the course of the ten days or what?

A That was in the course of ten days.

Q Who set it?

A Judge Fred Blanche.

Q Sitting as a magistrate or what?

A That's right.

Q How long after did CORE come down with the $2,000? How long an interval elapsed?

A I don't recall.

Q Several days?

A Approximately three or four days.

Q What was the procedure that was followed when they came down with $2,000, who did they present that to?

A To the sheriff.
Q Was this bail raised again? Did they go back before the magistrate and he then raise it or what happened?
A They would bring the $2,000 -- they brought the first $2,000 down to bail me out, and then some official of the sheriff's department would say that it had been raised.
Q Did he have any authority to raise it?
A The sheriff and the judge could get together and raise it.
Q Is that what you understand happened?
A Yes.
Q Do you know exactly how this was done? Did they go back to the judge and get a new order or what?
A If I recall my attorney's remarks each time the judge would set it.
Q Your attorneys, after the first time this was raised from $2,000 to $4,000 must have guessed it might happen again. Do you know what kind of procedure they went through or did they go before the judge?
A I don't recall, I don't recall.
Q Who were the attorneys?
A Attorney Johnny Jones, a local attorney there for us, and attorney Bell.

MR. RACHLIN: That is Murphy Bell.

MR. TAYLOR: Mr. Rachlin, did you have more data?
MR. RACHLIN: Yes, I have a detailed report which I will make available to the Committee before it works on its own report.

MR. TAYLOR: Which will give us the information?

MR. RACHLIN: At our request our New Orleans attorneys have made a very detailed analysis of the Reverend Mr. Cox's trial and the possible points to appear --

MR. TAYLOR: On the bail procedure?

MR. RACHLIN: On the whole thing. I will make this available.

BY MR. TAYLOR:

Q Was this a jury trial?

A No.

Q Would you tell us what was the nature of the evidence, who testified against you and what did they say?

A They had about seventeen witnesses, including the chief of police; the East Baton Rouge parish sheriff, a number of attorneys who had law offices on the side of the street where we were standing, a couple of citizens, a captain of the jail who heard about this and a couple of other officers, and I believe one television cameraman also there to testify.

Q What did they say you did that you shouldn't have done?
A  They took many of my statements out of context. They said that I was advocating integration of the lunch counters, trying to overthrow the social system in the south by talking about integration and --

Q  Did they say they overheard you say these things in your speech?

A  That’s right.

MR. CLARK: Weren’t you?

THE WITNESS: Indeed, so I am trying to with most of my remarks around the country pertaining to racial discrimination and racial segregation, I am trying to contest all segregation laws, segregation statutes. I am trying to get people to understand the moral law of the universe, the brotherhood of man and the Christian ethic of love.

BY MR. TAYLOR:

Q  Was there any testimony about things like blocking sidewalks or was it all testimony about what you said?

A  Oh yes, they explained. They had many witnesses to estimate the crowd there, that they had the sidewalk completely blocked. When the films of the local TV camera were shown, we were standing there protesting. There were people moving behind, between us and the building and there was plenty of room.
MR. TAYLOR: Mr. Rachlin, is there a trial record? Is there a record of the testimony?

MR. RACHLIN: There is.

MR. TAYLOR: That can be available?

MR. RACHLIN: I can arrange to have that sent up.

EXAMINATION BY MR. SHISHKIN:

Q I was wondering whether you could tell us in your statement here, Dr. Cox, you say that the physician, when you had flu while you were in confinement, that the jail physician avoided you for a week and that he could not get a prescription filled for two weeks. By "could not" do you mean that he would not or that he couldn't arrange it or that there was some others involved that would not provide it?

A This was on my third jailing when I was with the other Negro prisoners in a space for forty eight there was seventy three. Approximately fifteen of us woke up each morning with a sore throat. We used all of the salt we had inside the jail. We simply asked the deputies who were on duty at certain hours to put us on the doctor's list.

The doctor knew me from my other two jailings. When I was sick with the flu twice, the first time I requested a number of times to see the doctor. It took a week to get to see the doctor. I take pills for a certain type of headache.
The doctor knew about this. This time he thought that he better get a prescription filled. He said that he would write my druggist in High Point, North Carolina, and he said that it took two weeks to get the prescription mailed back to him.

However, when I got out of jail and returned to my home in High Point, my druggist informed me that he sent the prescription by return mail special delivery the same day that he received it. It was only after a threat of having my attorneys contact the Justice Department that I got a chance to see the doctor on my third jailing.

Q So that your impression is that this failure to provide you with medication was not only the doctor but there was an arrangement of other people involved?

A It's a very poor system in the East parish jail in Baton Rouge of getting prisoners to a doctor. However, I had no trouble seeing a doctor on my twenty day fast in jail. That is the first ten days I was on a fast, a protest fast. I had no trouble then. He would very often come in and peep in and plead with me to come off the fast. We could have a doctor, we could peep through a hole and see the doctor every morning at a certain time, but very often the local deputies would tell us the doctor is not available and would give us a beautiful cursing out each time.

MR. WATTS: Thank you, Mr. Cox.
MR. RACHLIN: Mrs. Roosevelt, at this time we have a minor change in the schedule. You will note the next scheduled witness was Charles McDew. He was unavailable today but his associate in the very act that we are concerned with here, Robert Zellner, is present, and if you'll permit me, I would like Mr. Robert Zellner to become a witness.

JOHN ROBERT ZELLNER, took the stand as a witness and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q. Mr. Zellner, where is your home town?
A. My home town is South Alabama. I'm the son of a Methodist minister and we moved every three or four years. It has always been in South Alabama.

Q. I notice that you are white. Are there many white students who participate in the Freedom activities that are taking place in the south at the present time?
A. Yes, there are a few white students, not as much as we would like to participate, but there are a few.

Q. Have you just come back from some legal proceeding in one of the southern states?
A. Yes, we have just gotten back from Magnolia, Mississippi.

Q. What were you charged with there?
A. We were charged with breach of the peace and contributing
to the delinquency of miners there.

Q. What was the result of that trial?
A. There were about eighteen of us scheduled for trial during the week and the trials lasted a day apiece. The judge is quite old and we more or less wore him out, and the prosecuting attorney as well.

They tried three cases and they have continued the other cases until next September, and they will be decided on the merits of the cases they have now.

Q. Were you one of the cases actually tried?
A. No, I was not tried. Chuck McDew, the chairman of Students for Non-Violent Coordinating Committee, Robert Moses and Robert Talber were tried.

Q. The Students Non-Violent Coordinated Committee is known as SNCC?
A. Yes.

MR. THOMAS: Were they all white or colored?

Q. Describe the group.
A. On the staff of the Students Non-Violent Coordinating Committee in September of 1961, I was the first staff member who was white. At this point we have three field secretaries now who are white out of a staff of about fifteen.

MR. THOMAS: I mean the people who were tried already.
THE WITNESS: Oh, the people who were tried, all of the rest of them were Negroes.

BY MR. RACHLIN:

Q What were the acts which led up to the arrest?

A This involved a march in McComb, Mississippi of about 115 people protesting the expulsion of Brenda Travis from the Burleigh High School. We were down at McComb, some of the staff of SNCC in relation to a voting registration campaign, and some of us joined the protest march with the students.

Q What was the charge against you, disturbing the peace?

A Disturbing the peace, and contributing to the delinquency of a minor.

Q Is the minor in question Brenda Travis?

A Yes. In most of the cases -- well, in all of the cases, it is Brenda Travis.

Q How old is she?

A Brenda is seventeen now, I think. She was sixteen when arrested.

Q Your main purpose in being here today is to tell us, however, about Baton Rouge, and this was only a sidetrack. Do you recall February 17, 1962?

A Yes, I do.

Q You were with Charles McDew at that time?

A Yes, I was with Charles.
Q Were you coming into Baton Rouge?
A Yes.

Q Where had you been coming from?
A Well, we arrived in Baton Rouge from New Orleans. We had come down. We were traveling in Mississippi visiting voter registration schools. We went down to Baton Rouge on Thursday before the Saturday we were arrested. We then went to New Orleans.

Q What was your purpose in going to Baton Rouge?
A We were going to attempt to get Dion out on bail.

Q You will have to tell us who Dion is. That name has not yet been mentioned.
A I am sorry, Dion Diamond, another field secretary of the Students Non-Violent Coordinating Committee.

Q Is he white or Negro by the way?
A Negro. He was arrested -- I forgot -- I think it was in January in relation to demonstrations at Southern in Baton Rouge.

Q Is that what the Reverend Mr. Cox described previously?
A Yes.

Q What was he charged with, do you know?
A He had about four charges of disturbing the peace and charge of resisting arrest, I think and --
Q  Had he been charged with vagrancy, do you know?

A  Vagrancy, yes.

Q  You and Charles McDew came to Baton Rouge to see him; is that right?

A  Yes, we did.

Q  Describe what happened, in your own words, at that point as you approached, as you came to the jail.

A  First of all, on Thursday when we came down to get him out on bail, they had raised his bail, and it was impossible for us to get the bail money at that time.

Q  What had been raised, from what to what?

A  When we went down it was $6,000, and when we found out what his bail was at that point it had been raised to about $13,000.

Q  Were you ever told or do you know of the reason for this increase?

A  No, I think the way they did it, they would lodge another charge against him. On each charge they raised it $1,000, and some charges it was over $1,000.

So we returned from New Orleans on that Saturday afternoon. We got into Baton Rouge somewhere between three and four o'clock in the afternoon, and by eight thirty that night we were charged with criminal anarchy and vagrancy.

What had happened, we came to the jail and asked to visit Dion. They told us the visiting hours were on Tuesday and
we could not see him. We asked at that point if we could leave him some fruit, cigarettes and reading material. They said we could. We left the jail and bought some books and some fruit, some cigarettes, returned to the jail to give him this and then they put us in jail.

Q What were you charged with?
A They told us at that point that we were charged with vagrancy. I found out the next day through the newspaper they had also lodged a charge of criminal anarchy.

Q Criminal anarchy?
A Yes.

Q Your sole activity in Baton Rouge up to that point had been checking on the voter registration and coming to see Dion Diamond; is that correct?
A Yes. Well, we weren't concerned with voter registration in Baton Rouge at that point. It was simply to visit Dion.

Q In other words, the sole act that you had committed was to come visit Dion Diamond in jail?
A Yes.

Q And shortly thereafter you were charged with criminal anarchy?
A Yes.

Q How long did you stay in jail at that time by the way?
A. We were in jail twelve days.

Q. Was the jail segregated?

A. Yes, it was.

Q. Where were you put?

A. Well, I was first put in an open cell block with about between fifty and sixty white male prisoners.

Q. This is commonly known as the bull pen, I think?

A. Yes. There was a large room where we sat during the day and then there were smaller cells where the beds were. I would like to just comment if I may --

MR. RACHLIN: Please.

A. (Continuing) on the system that they are using in Baton Rouge to inflame the public against the people who are working for Civil Rights.

They maintained that we had tried to smuggle a briefcase full of literature, integration literature, to Dion Diamond. They also maintained that we tried to smuggle some pictures showing white people and Negroes together in to Dion.

Now, this grows out of the fact that I had my camera case with me with several pictures I had taken across the country of demonstrations and so forth, and Chuck had his briefcase, and so they put it in the paper that we had attempted to smuggle this into him, and they implied that the pictures were of an indecent nature and they used this to inflame the public
against us.

I would like to also mention the books that we attempted to leave Dion. We had a copy of the Scottsboro Boys, The Ugly American, and Eight Men by Richard Wright; also a copy of The Nation magazine.

They accepted all of them except The Ugly American. This was when we were talking with the desk sergeant. We also had a sack of oranges, about six packages of cigarettes. We left him $2 and a note. They accepted all of this. They turned down -- well, we had some candy bars. They wouldn't let him have the candy and wouldn't let him have The Ugly American but they accepted all of that, and as we were leaving, other police officers came in from the outside and said, "Wait a minute boys" and then they questioned us, said we were charged with criminal -- with vagrancy. We had $150 between us. We had just come in on the bus and we were planning to leave at about nine fifteen that evening on the bus.

Q  How long did you stay in jail at this point?
A  We were in jail for twelve days.

Q  When did you learn you were charged with criminal anarchy?
A  I didn't learn -- the next day, the following Sunday, when it was in the paper that we were charged with criminal anarchy. Chuck found out the following Monday when we talked
to the lawyers.

Q  He was in the Negro part of the jail; is that right?
A  Yes. Well, as soon as they put Chuck in jail they put him in the isolation cell, at least one of these five by seven cells, with an iron cot, a commode and a lavatory. I was in the open cell block with the prisoners for about four days.

Of course they found out Sunday why I was in there and all this material in the paper about smuggling indecent pictures and integrationist materials. They also stated erroneously in the paper that the district attorney and the sheriff and several other officials had questioned us during the night, Saturday night, and the question was continuing on Sunday.

Of course, they talked to us about fifteen minutes before putting us in jail and no more. Of course, the white prisoners, when I first got in, thought I was in for vagrancy, and of course about forty or fifty other people were in for vagrancy, and I told them vagrancy, and they said "Oh yes, the same old story."

And the next day, the criminal anarchy and so forth, and things got pretty violent at that point.

Q  What do you mean by that?
A  They threatened me. I have them listed here. They threatened me with castration, they attempted to trip me as I walked.
Q. When you say "they" who are you referring to?
A. These are all the white prisoners who were in the cell block there. They said that if I ever went to sleep that I would wake up with a knife in my back, and they would throw cold water on me when I did go to sleep and continually threatened me, and they would back me up in a corner and ask me all sorts of questions.

There was one small punk there who sort of led the group and it is a little difficult to be non-violent in that situation.

Q. Did you ever have an opportunity to protest to any prison officials?
A. No. I asked the prison officials if I could contact my lawyer. They did let us make one telephone call, and I was not able to contact the lawyer, and when they started getting violent I asked to see a lawyer and they refused to let me see a lawyer.

I talked to the lawyers on Monday and I told them about the aggressive tendencies of the white prisoners. They informed the police that I was in danger and that the responsibility would be on the police, and they left me in there though until the next Wednesday when they finally took me out and put me in an isolation cell next to Chuck.

Another little gem of hospitality, the first night I was
in the open cell block they refused to give me a blanket or anything. I got in the cell about nine o'clock and so I had to spend that night. It was quite cold and I caught a cold that night. Then, it got continually worse while I was in there, and when they put me in the isolation cell they refused again to give me a blanket, and I told the policeman that I had a cold, and that it would get worse if I didn't have a blanket and he said "What is wrong, too cold in there?" And, of course, it wasn't really at that point but I knew it would be that night without a blanket, and I said it's too cold to be without a blanket. He said we couldn't have one. I said "Could you get me something, please" and so he slammed out and came back in a few minutes with a blanket, and then they turned the heat on and blasted heat down from a vent in the ceiling twenty four hours a day, and it was so hot in there you just sort of wilted.

It was some ragged mattress on the bed and I moved it to the floor so I could get my face next to a little screened ventilation in the bottom of the door, and also there was a slot about halfway up the door where they would put food through, and when they left that open it ventilated a little bit, and we asked them to leave it open but they closed it up after the meal and quite uncomfortable.

Q Do you know what sentence you could receive for
criminal anarchy?

A I am told it would be ten years at hard labor in Angola. That is the state prison.

Q Has that indictment been dropped against you?

A No, it has not been dropped. I was informed a couple of days ago that it had been continued indefinitely, and I assume this means they won't try it but they haven't dropped it. They haven't released the $6,000 bond.

Q Do you know whether this is equally true of Diamond and McDew?

A I know it is true of McDew. I don't think -- well, they dropped the charge -- they officially dropped the charge against Dion.

Q But it has been indefinitely continued; is that correct?

A Yes.

EXAMINATION BY MR. SHISHKIN:

Q I wonder if you could tell us, Mr. Zellner, when you were charged you said that the first charge that was actually placed against you was vagrancy. When you were charged with vagrancy did they ask you whether or not you had any money on you, any pocket money, or did you have any?

A Yes, they asked if we had money. We told them we had plenty of money, and then they asked us if we had a check stub
or something to show that we had gainful employment, and we
couldn't produce that but we told them that we did have
about $150 between us.

Q  Did you have any kind of identity papers that they
asked for and you were able to produce?
A  Yes, we had identification papers.

Q  Do you know what the legal basis for the charge of
vagrancy is in that community?
A  No. I have read several. If you stand still, I understand,
on the streets, you can be charged with vagrancy and also if
you move on the streets they have a stationary vagrancy charge
and a moving vagrancy charge. They get you for several things.

There were many men in the white cell block who -- well,
one man was coming through in his car from Michigan or some-
where and he stopped to get out and look at a road sign and
they arrested him for vagrancy.

Q  I take it from your description that the astronauts
passing in or by or over the community would not be charged
with vagrancy; is that right?
A  No, I think not but I might add that they did have
portable radios in the cell and I thought it was quite ironic
that the United States was able to launch a man in space and
let him go around the world three times and yet they weren't
able to take care of a small human relations problem.
MR. RACHLIN: Are there any other members of the Committee who would like to ask Mr. Zellner any questions?

Thank you, Mr. Zellner, for your appearance.

MR. WATTS: Mrs. Roosevelt, our next witness is Mr. Robert Moses.

ROBERT MOSES, took the stand as a witness, and testified as follows:

EXAMINATION BY MR. WATTS:

Q Mr. Moses, I understand that you are twenty seven years old, a graduate of Hamilton College at Clinton, New York, you have received a Master's degree in Philosophy from Harvard University which puts you in very good company around Washington, that you have taught mathematics at the Horace Mann School in New York, and that you left this employment in 1961 to join the staff of the Students Non-Violent Coordinating Committee; is that correct?

A That is correct.

Q Mr. Moses, have you been here throughout the testimony this morning?

A I have.

Q Will you then tell the Committee, Mr. Moses, what activities you have been engaged in the course of your employment with the Students Non-Violent Coordinating Committee and
the results thereof, both in terms of activities of the
committee and the consequences upon yourself.
A I have been primarily working in Mississippi and started
last July down in McComb, Mississippi, and in surrounding
counties in the voter registration project.

We were working primarily in three counties, Amite County,
Pike County, which contains the city of McComb, and Walthall
County, which is nearby.

Our project started in or around the first of August and
continued through October and met with several kinds of resis-
tance from the white community in that area.

Q These activities were in connection with preparing
persons for voting, for registering to vote and to secure
their registration; is that correct?
A That is correct.

Q Go ahead.
A In Pike County, which McComb is located in, the resistance
primarily took the form of economic sanctions against various
people, and pressure from the police within the community.
That is, riding around the area where we had our schools and
intimidating people, riding up in the Negro community.

Q What sort of economic sanctions were exerted?
A Some of the people who attended meetings lost their jobs.
These were some people who were working in public jobs down in
McComb city.

Q    Go ahead.

A    Then also revolving around Amite and Walthall County there were occurrences of physical violence. I would like to describe the situation which existed in Amite County.

We went down there on successive Tuesdays, starting on August 15th and going back August 22nd, 29th and September 5th, and the first time we went down I went down with two other Negro farmers and one farmer, one gentleman and two ladies, and a highway patrolman was there from the time we got in around nine or ten o'clock in the morning until the time we left, which was about four o'clock in the afternoon, and he followed us on the way back in his patrol car and subsequently stopped us.

I got out of the car to ask what was the matter and was told to get back into the car and the driver was told to follow him, and we were taken to the Justice of the Peace where I was arrested and charged with interfering with an officer in the discharge of his duties.

Q    In what manner was it claimed that you were interfering with an officer?

A    It was claimed that he had a right to speak to the driver of the car by himself and that when I got out of the car and asked him what was the matter I was interfering with him as
he was discharging his official duties.

Q  Were you speeding at the time that you --
A  No, the car was stopped. We were driving very slow because he was following us very closely, within ten feet or so.

Q  Did you inject yourself into this dialogue between the driver of the car and the officer?
A  No. The officer asked the driver of the car to come back with him to the police car. Of course, the people in our car were very frightened. So I got out to ask the driver -- I mean, to ask the officer -- exactly what the charges were or what was the matter, and at that point he turned on me and came over, told me that I had no right to ask him, that he had the right to talk to the driver alone. I took out a pad and jotted his name down, and he then shoved me in the car with a few choice words.

Q  This was the extent of your contact with the officer; is that correct?
A  Yes.

Q  And for this you were charged with interfering with an officer in the performance of his duties?
A  That's right.

Q  Then what happened to you?
A  We had the trial there at the Justice of the Peace's office.
I was found guilty and given a suspended sentence, and I refused to pay the $5 cost of court and went to jail.

I spent a few days in jail and later was bonded out on an appeal.

Q  How much was the bond?
A  I think the bond was $200 but I have forgotten it.

Q  This, incidentally, sounds like the lowest bond that has come to our attention, and I would like to suggest that interfering with an officer in the performance of his duties might be a more serious offense than vagrancy or taking over a lunch counter.

This is basically what happened to you -- there are several other things that I want to take up -- what has happened to you in the course of your efforts on behalf of SNCC, the Students Non-Violent Coordinating Committee on voter registration; is that correct?

A  Yes. Well, this took place, this first incident was on our first trip to Liberty, Mississippi, which is in Amite County. We went back there the next week. I didn't go but some of the other members of the Coordinating Committee went.

They were allowed to stand in the office and the people filled out the forms without any trouble that time. They were not, however, passed.

Then I went back the following week with two other farmers
and we were met in the streets as we were walking towards the courthouse by three young men, and one of them began to swing at myself, and I sort of ducked down and he fell down on top of me, and I was holding my head like this (indicating) and I was given -- subjected to -- a beating. It turned out later that he had a closed knife in his hand.

Q. This person that attacked you, was he an officer of the law, to your knowledge?
A. No, he wasn't. It turned out later to be a relative, a cousin of the sheriff.

Q. Were there any police officers there at the time of the attack upon you?
A. Yes, it was a sort of a -- there was a funeral.

Q. A what?
A. A funeral going on at the time, and at one end of the street was the town marshall and at the other end of the street was Daniel Jones, who is a law enforcement officer in Liberty, and I knew the town marshall because he had been involved in the previous arrest. We were right in the middle of them and after I was finished I walked past Jones who never turned his back and down the street was a highway patrolman and I went up to him and asked him, told him what happened and he said I would need to go in and see the sheriff.

So we went into the county courthouse and I asked the
sheriff -- I told him what happened and he said that I would have to get a warrant sweared out for the arrest, to arrest anybody, and so we went to try and find the Justice of the Peace and he was at the funeral so there was nothing we could do at that time.

We went back over to McComb and I have eight stitches at three different places around the top of my head.

Q Is it your testimony that this attack was actually witnessed by law enforcement officers; do you believe that they saw it?

A I think so. When we had the trial -- it was interesting -- we came back, that was on a Tuesday, we came back to Liberty with some more people to register next Thursday and then I went with the two people who had been with me to the Justice of the Peace again to swear out a warrant, and they called down the district attorney and we had a trial that very same afternoon. They had a six man Justice of the Peace jury, and they speeded up the so-called judicial process at that time.

At the trial I tried to introduce the fact that the town marshall and Daniel Jones were on the street but, of course, they wouldn't allow this evidence to be introduced, but I think that they saw it.

Q Mr. Moses, we are coming to this question of Mr. Lee in a moment, but before that do you know whether any
other persons were attacked or otherwise molested in McComb or in any of the other counties you referred to, Pike, Walthall and Amite, in connection with attempts to register to vote?

A. Yes, we went back to Amite the next Tuesday, September 5th, and this time I wasn't bothered but another SNCC staff member who was with us at the time, Travis Britt, he was attacked by an elderly man, and there was a small crowd of about fifteen or twenty people who gathered around the courthouse, and we finally left this time. That was the last time that we went down to Amite in that fall. Two days later in Walthall County, John Hardy, who was working over in that county, was hit on the head by the registrar when he accompanied some people to register and he was subsequently arrested by the sheriff for disturbing the peace as he left the registrar's office. He was placed in jail and a bail bond was set at $100. We got him out and his trial was set for the next week, and the Justice Department in this case intervened and filed suit in the Federal District Court asking that the trial be stopped on the ground that it was an intimidation of Negro voters in Walthall County, and the judge there, Warren Cox, who was the first appointment of the Kennedy Administration, refused to grant that stay of the trial and they appealed immediately to the Fifth Circuit Court and got
a stay just the night before he was due to go on trial. The State of Mississippi appealed to the Supreme Court and they refused to hear that case.

Many people think it is very important from the point of view that you can't begin to register people down in the deep south if the state is allowed to use its official machinery to intervene in the process of registration and --

MR. RACHLIN: May I interrupt one second to correct the name of the judge. It is Judge Harold Cox who was the newly appointed federal judge of the Southern District of Mississippi and who has long been a close personal friend of Senator Eastland.

MR. COX: No relation to this Cox.

MR. WATTS: For the record, he is no relation to the Reverend B. Elton Cox, who previously testified.

MR. GULBERTSON: May I ask how you know that?

BY MR. WATTS:

Q Mr. Moses, were all of these incidents reported to the Federal Bureau of Investigation or the Department of Justice?

A Yes, they were.

Q Outside of the action of the Department of Justice to enjoin the trial of one, has any other action been taken, to your knowledge?
A No, not to my knowledge.

Q Mr. Moses, did you know a person named Herbert Lee?

A Yes, he was a Negro farmer who lived in Amite County where we were carrying out part of our voter registration program.

Q According to our notes his actual residence was near the community of Liberty, Mississippi; is that correct?

A Yes, he lived south of Liberty in what is called on the Guildsburg Road.

Q Apparently considerably south of Liberty?

MR. THOMAS: Quite a ways south, I guess.

Q Would you tell the Committee what Mr. Lee was doing and what happened to Mr. Lee?

A Well, we went down to Amite County. The last time we went down was September 5th. However, about a week before Mr. Lee was killed, he was killed on September 25th, the Justice Department had been in and were investigating all of the people in Amite County, going around talking to all of the farmers who had gone down to register, and that morning, it was a Monday morning, I was in McComb. It was about twelve o'clock, and Dr. Anderson, who was the local Negro doctor in McComb came by the voter registration office to tell us that he had just taken a bullet out of a Negro's head, and I went
over to see who it was because I thought it was somebody who had been with us in the voting program, and when we went downtown we were able to identify the man as Mr. Herbert Lee, who had attended several of our classes in Amite County and who had, on occasion, driven us around through the voting area on visiting other farmers.

That night we went out into the county to try and track down people who had seen this killing and across the week we did this and talked to the three Negroes who had witnessed the killing and they all more or less told the same story.

Q Which was briefly what?
A That they were at the cotton gin in Liberty and Mr. Lee drove up followed up by Mr. Herst, who is the state representative to the Mississippi legislature from his area.

Q Mr. Herst is white?
A Mr. Herst is white. Mr. Herst got out of his car and went over to the cab of Mr. Lee's car on the truck. He had gotten in to gin and they began talking. Mr. Herst was waving a gun. After an exchange of words, Mr. Lee got out of his car on the right hand side. Mr. Herst ran around the front and shot Mr. Lee one shot in his temple.

They had a coroner's jury that morning and the claim was that Mr. Lee had been advancing on Mr. Herst with a tire tool. The Negro witnesses that I talked to, several of them or one
of them said that Daniel Jones is a deputy sheriff and when he came to get him the first question he asked him was "Did you see the tire tool?" and he told him he didn't see any tire tool, and then he told him "Well, there was one", and later on, when they had a grand jury, about a month later, the same witness came back over to McComb because he wanted to know whether he should testify that there was a tire tool, which he said there wasn't, even though he had testified this at the coroner's jury.

We called Washington and explained the situation to them and the Justice Department officials explained to us that they could not guarantee any protection for individual witnesses, and the man would have to take that into consideration. He wanted to know that if he testified the truth that there was no tire tool would he be able to get this type of protection, and when he was informed that he wouldn't be able to he said that he would have to tell them or that he would tell them that there was a tire tool.

Q  That there was?
A  That there was. And he testified at the coroner's jury and at the grand jury that there was a tire tool.

Q  In other words, what you are saying is that although this witness to the killing of Herbert Lee had told a number of people, including an officer, a law enforcement
officer that there was no tire tool, when he became aware that he could receive no protection after appearing and testifying to this fact before a grand jury, he changed what he had told others and testified that there was a tire tool; is that correct?

A  That is correct.

MR. CLARK: May I ask a question at this point?

EXAMINATION BY MR. CLARK:

Q  In your communication with Washington, were you specific as to the basis on which you were asking for protection of this witness?

A  Yes, officials in the Justice Department were very much aware of the situation. In fact —

Q  Were they aware of the specific facts?

A  That is right.

Q  That this witness was reciting whether to tell the truth or not, to tell the truth in terms of whether he would or would not get protection?

A  That is right.

Q  This was communicated to the Justice Department?

A  That is correct.

Q  An official of the Justice Department?

A  That is correct.

Q  Would you speak a little louder Mr. Moses? The
official understood this?
A That is correct, as I understand it.
Q Mr. Moses, I think we need to be very clear here. I am asking a very specific question, that you communicated with the Justice Department.
A That is correct.
Q You yourself spoke to an official of the United States Justice Department?
A That is correct.
Q And made these points crystal clear?
A That is correct.
Q And you were told that the Justice Department could not guarantee protection of the witness?
A That is correct. It is my understanding that this has come up time and again as to whether there can be protection on the part of the Justice Department and the FBI of individual persons who are involved in these dangerous situations and the answer has repeatedly been that there cannot be individual protection of this type, that is, it is not possible to give this type of protection.

MR. WATTS: Are you finished Dr. Clark?
MR. CLARK: I am quite finished.

EXAMINATION BY MR. WATTS:

Q Mr. Moses, what was the outcome of the grand jury
Moses

investigation of Representative Herst?

A He was acquitted.

Q That is the grand jury found that there was no basis for rendering an indictment; is that correct?

A Yes.

MR. WATTS: This is all we have to ask Mr. Moses at this time, Mrs. Roosevelt. If the Committee would like to ask any further questions—

MRS. ROOSEVELT: Are there any other questions?

MR. WATTS: Thank you, Mr. Moses.

Mrs. Roosevelt, members of the Committee, we suggest that this is a good time to adjourn for lunch and that we reconvene at two thirty.

(Whereupon the morning session was concluded.)
AFTERNOON SESSION, 2:30 P.M.

MR. RACHLIN: Mrs. Roosevelt, with your permission and the permission of the members of the Committee, I call Mr. Albert Bigelow at this time.

Just to introduce Mr. Bigelow, Mr. Bigelow was one of the original Freedom Riders on one of the original bus stops. Despite his numerous activities, we have asked him to confine his statement mainly to the question of the kind of police protection that they had and whether it was available when it was needed.

ALBERT BIGELOW, called as witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Without further ado, Mr. Bigelow, you are a resident of the State of Connecticut, I gather?
A Yes.

Q During the Second World War what position did you hold?
A I was a Lieutenant Commander in the Navy.

Q You were in and around Anniston, Alabama on or about May 13, 1961, is that correct?
A Mother's Day.
Q I wonder if you could, in your own words, as briefly as possible without any direction from me, tell us how you happened to be in the vicinity of Anniston, Alabama on May 13th and some of the events that may be of importance to this Committee.

A We had started here in Washington on the 4th of May by various stages of the original Freedom Ride. On this day we had left Atlanta early in the morning in two groups, one of the Greyhound buses, which I was on, and the other a Trailways bus.

There were fourteen people on the Greyhound bus. Of that number eight or nine were Freedom Riders.

As we approached Anniston a little more than halfway, the Greyhound bus just leaving Anniston stopped across the street and flagged us to a halt. The drivers conferred.

A man came over and leaned into the bus and warned us that there was a very hostile group of twenty hoodlums. He said, down at the Anniston bus station, the entrance to the bus station was closed and nobody could get out because there was a very dangerous situation there.

As we came into town, there was nobody there except two cars that speeded up. One was a hot rod.

As we came into the station, there was a mob of about 150 people and 50 of these became more or less active in
what happened after that.

We pulled into the bus station and a man came through the opening -- he turned out to be Eli Cowling of the state highway police. He held the door against the threats of the crowd milling about.

There were no police in sight whatsoever. We thought it was very obvious there was a very violent, explosive situation in Anniston. None of us got out of the bus.

The crowd started to attack the bus and break windows. I saw two men with clubs but no other weapons. They cut the left front tire so that all of the safety air had gone out of it.

We were there fifteen minutes before any police appeared at all. Then, one policeman dressed in a brown uniform came and talked in a very friendly way to the men. He seemed to be directing the action of vandalism. He was easily identifiable.

He had on the white coverall with a blue oval insignia (indicating the breast).

Eventually, five minutes after that two other squad cars arrived with policemen in them and eventually they did act. After that they formed a path through this milling crowd so that we were able to leave on the safety air.

Q How many police were in the vicinity at the time you left, Mr. Bigelow?
A I saw between two and three but I think it was three. I don't think I saw four. Those two cars that had led us in immediately got in front of us and mousetrapped us by speeding up. We tried to speed up and then they slowed down.

About six miles out of Anniston the left tire blew out. A mob was following in about fifty automobiles, and they immediately surrounded the bus. I think from the frustration they had they now revealed a more angry mood than in Anniston.

Now they had pipes and chains as well as clubs. It appeared this was obviously a very dangerous situation indeed. Mr. Cowling now stood at the door of the bus and he was absolutely impermeable to the insults he was getting.

They really went to work on the bus. The safety glass was all sagging in it and they had torn off one of the mirrors. This went on for about fifteen minutes, perhaps, more, perhaps as much as twenty minutes.

Now, Alabama State Policemen in uniform drove stopped their cars and started to walk over, talked first to the man in the white coverall.

He did absolutely nothing about the vandalism, which was curious, because of the way the man in plain clothes held the
entire mob out of the bus.

On the other hand, he seemed, if anything, to almost collaborate with the mob.

He went back and he called on his amplifier in his car in a very leisurely manner. Just at that time, there was a crash in the back of the bus. The bus was filled with a very dense, acrid dark smoke.

This man went down to the floor. You could not see outside of the bus. However, in five minutes the bus burst into flames. People in the back got out of the window. We eventually got out of the front door.

Some were clubbed down as they got out. All had smoke poison to a certain degree.

Mr. Cowling at this point did manage to get his revolver out of his suitcase and he directed two other state police troopers who had arrived in squad cars somewhat tardily.

They fired their pistols in the air. I didn't see this. He fired first one pistol and the mob drew away. We were laid on the grass. The ambulance came in from Anniston. All of us were treated and two of us were admitted.

Q Who was Mr. Cowling again, please?
A Mr. Cowling subsequently developed as an officer with the Alabama State Police.

Q It was protection that perhaps saved your lives? Is
that a reasonable assumption?
A There are three of us in this room who wouldn't be alive
if it weren't for Mr. Cowling.

Q This other officer who was across the street, did
you observe him make any effort to restrain the mob?
A Not at all.

Q Despite the fact that he was a witness to the acts
of vandalism against the bus at that particular moment?
A Yes.

MR. SHISHKIN: Cowling was in plain clothes?

MR. RACHLIN: Mr. Cowling had gotten on the bus
in Atlanta in plain clothes. He sat apparently as
a passenger riding with the others, going on its way
eventually to Jackson and then on to New Orleans.

A We had no idea who he was. We thought he was another
passenger. At the Anniston Hospital all of us were admitted
and treated. We each had separate interviews with members
of the FBI. The television and press was there.

We got to the hospital somewhere between two and three
in the afternoon. It became apparent as it went on to even-
ing, about ten o'clock, it became apparent that the manager
of the hospital who was there was going to throw us out of
the hospital and tell us to leave the hospital, into a town in
which the announcement said mobs were turning over cars,
beating up Negroes and so on.

Q. Did there come a time when you appealed to Governor Patterson for assistance?

A. Whether this appeal was made directly, we didn't make it directly from the hospital. The newsmen asked if it was done. They asked him.

They had asked the Governor's office and the Governor had said he wouldn't be able to supply protection for agitators and invaders. I don't remember the exact words.

He then asked us again what we were going to do. At this time, we got in touch with Reverend Shuttlesworth in Birmingham to send a convoy of ten cars for the sixty miles or more from Birmingham to Anniston to get us out of the hospital and out.

While we waited for the police chief in Anniston, dressed in the same brown uniform and identified by the word "Chief" -- he identified himself. We pointed out to him it was his responsibility to enforce law and order in the town and if we vacated from the hospital, which was obviously the situation which was developing, we expected him to do his duty.

He said it wasn't "my job". He was very hostile. He said it wasn't my job to tell him his job. I later saw him and another policeman in what seemed like a friendly long
conversation, which was out in the hospital parking lot with the same man with the coveralls.

This man can easily be identified because he got the job of towing in the burned bus.

Q  His company apparently towed in the burned bus?
A  That is what the newsman told me.

Q  Do you know whether he was ever arrested, or anyone in the Anniston area was ever arrested?
A  I understand there had been either eight or four arrests. Two of the men's pictures were published -- four were published. I could identify two of them who were part of the mob.

One was a very confused man, I thought, who had an amputated arm and was easily identifiable by this.

MR. THOMAS: Was he tried?

THE WITNESS: There was subsequently a trial. I don't know the results of the trial.

Q  Were you ever invited or do you know whether any of your associates on the bus were invited to identify these people there?
A  I wasn't. I was asked to identify -- members of the FBI from the New Haven office in Connecticut, came to my home and showed me some photographs and of these, I was able to identify at least five. I'm not sure, maybe a couple of others.

Q  Did any official of the state of Alabama ever get in
touch with you for this purpose?

A No.

Q What happened thereafter, Mr. Bigelow?

A I hate to use a qualifying adjective, these incredibly brave Negro southerners came up from Birmingham. We got into the cars and the newsman said there was a roadblock and he was also going out.

They drove us through Alabama to Birmingham where we spent the night in various homes, Negro homes, and assembled the next day. After a pretty harrowing day in Birmingham, we then got out of Birmingham.

Q I understand that Mr. Peck will advise the Committee about Birmingham. You identified two other persons in this area having been with you at that time. For the record, will you identify who these were?

A Henry Thomas, James Peck and Charlotte De Vries. Charlotte she was press representative and reporter really, as was Mr. Newsom who was there on behalf of the Afro-American.

MR. THOMAS: Mr. Chairman, may I ask, was Walter Bergman one of your passengers?

A No, he was on the Trailway bus that same day.

MR. THOMAS: If it is in order, I would like to introduce in the record something about Walter Bergman. He was very badly beaten on the same day
in another bus.

Walter Bergman was a teacher who had recently retired from the Detroit public school system.

He was beaten very badly. He seemed to recover, but shortly after he got back to Detroit he had an operation. He had an appendectomy which would normally get well, but he almost died on the table and an analysis of the fluid in his spinal column showed traces of blood.

The theory of the surgeons was that there was a very slow leak of the brain as a result of this beating.

When I went to a dinner in his honor to raise a purse, he told me that he was now so well provided, he could work for all the causes that he loved but you can't stay in the hospital as many months as he did and have much left.

Under free enterprise, you can work even while you are sitting there, so his friends were gathering around. They had hoped to be able to wheel him in in his honor. I went to see him in the hospital. He could not even feed himself but could talk, I'm glad to say, as the result of this rehabilitory treatment. But you could see the ruin of one of the best
men you could find despite his retirement.

And so, this is because he was beaten. There isn't any moral debt. I don't know if you can prove it. You feel he should have escaped better than that. I would like to have that on the record.

MR. RACHLIN: If the Committee would like to ask Mr. Bigelow any questions, please be free to do so.

MRS. ROOSEVELT: There are none.

MR. RACHLIN: Thank you, Mr. Bigelow.

MR. WATTS: Our next witness is James Peck. Mr. Peck, I believe that you are sufficiently well-known to all of us here to require not too much in the way of identification. I would like to point out that Mr. Peck has devoted all of his daily life to this cause and related causes in the campaign for justice.

He has not only devoted his considerable writing talent but on numerous occasions he has devoted his body to the effort to end discrimination and promote justice in this country.

I think it is also interesting to know that Mr. Peck was on the original Freedom Ride in 1948 -- was it, Jim?
MR. PECK: 1947.

MR. WATTS: Which was the first test on interstate bus transportation in the south. This resulted in the Supreme Court decision in Morgan versus Virginia which held that because of the Interstate Commerce clause of the Constitution -- legally it was before the abandonment of the separate and equal doctrine -- because of the Interstate Commerce Clause, the Federal Government had preempted the field of interstate transportation and therefore state segregations laws on interstate transportation were not valid.

However, it was only on the revival of these freedom rides that the Interstate Commerce Commission decided to implement its own authority which the U. S. Supreme Court confirmed in 1948, when it finally reached a decision.

JAMES PECK, called as a witness by the Commission, was examined and testified as follows:

EXAMINATION BY MR. WATTS:

Q Mr. Peck, you have heard the testimony of Mr. Bigelow and we would like you to go on further and tell us your story of what happened to you, your own observations of what happened on this particular trip. You were on this bus that was burned; is that correct?

A On the other bus.

Q You were on the other bus but it was in the same trip?
Q    All right, you go on with your particular reference to what happened to you in Birmingham.

A    Before I start, I would like to finish up one thing on which Mr. Bieglow testified, and that is, regarding these men that were arrested for the burning of the bus. The outcome of that case, I think, is interesting.

First, there was a mistrial because it was discovered that one of the jurors belonged to the Klan, and had perjured himself.

Then, finally, the man pleaded guilty for bombing and burning the bus and then received a suspended sentence.

Q    This was at Annistan?

MR. CULBERTSON: Was that in the Federal or State court?

THE WITNESS: That was in the local -- yes, it was the Federal. I am sorry.

MR. CULBERTSON: The sentence was imposed by the U.S. Federal Judge?

THE WITNESS: I believe so.

DR. CLARK: Could we get the information on that?

MR. WATTS: We will check and see that the record accurately reflects exactly what occurred and what judge actually sentenced them.

A    I just want to bring out that it seems a little inconsistent
with the officials' duty.

Anyway, to get back to Annistan. On the second bus, the Trailways bus which arrived in Annistan a couple of hours after the Greyhound bus, when we arrived there, we found that the terminal was closed.

There were no police on hand. The first bus stopped for a rest period. We heard sirens. It was the ambulance to bring the people from the Greyhound bus that had arrived earlier, and soon word got around of what had happened.

Most of the regular passengers on the bus got off and canceled the remainder of their trip. There were no police on hand here.

As the bus was about to leave, approximately eight white men climbed aboard this bus where we were, and the driver made a statement over the loudspeaker to the effect that if the negroes did not move to the back, he would not drive on.

Then the man who was spokesman for this gang of eight that had gotten aboard said the same thing but using profane language and said: "Are you going to move back?"

At this point, he and the others started forcibly moving the men back. This is where Walter Bergman comes into the picture. Walter Bergman and I were sitting toward the rear of the bus. At that time we went forward to try to intercede with this man in a non-violent manner. I said: "Can I speak to you for a moment?" That is to this man who
seemed to be the spokesman.

The next moment I was flat on my face on the floor in the bus. He had slugged me and he then slugged Bergman. What happened from then on happened very fast. They slugged us and kicked us until we were all in the back of the bus, to the rear section of the bus.

Bergman looked very bad. His face was all swollen. He was bleeding. We didn’t know, however, at that time, that he had also received this very serious injury on the head for which he was still in the hospital.

I was also bleeding. We were all in the back of the bus and these eight men sat in the very front seats. There were a whole lot of vacant seats in between.

Incidentally, one Negro man other than a Freedom Rider who hadn’t cancelled this trip, was also beaten by this group and moved to the back of the bus.

At this point, the bus proceeded toward Birmingham. We didn’t know whether it would get there. He ordered it to drive up some side road, but it did get into Birmingham. When we arrived in Birmingham, also there were absolutely no police in sight.

Q Jim, approximately what time of the day was it when you arrived in Birmingham?

A By that time it was approximately four in the afternoon.
Q This was Mother's Day, May 13, 1961?
A Yes, it was Mother's Day. Police Chief Connor later explained the absence of police by saying, "It was Mother's Day. They were all visiting their mothers."

I mean all, because there were none there.

Charles Person and Stone from Atlanta and I were the ones who had been designated to test the lunch counter in the Trailways terminal there.

As we got off the bus, as I said, there were six men on the bus already, but we saw a mob lined up on the sidewalk there carrying their metal pipes which were then concealed or ill-concealed with paper.

This was no surprise to us because I had called Reverend Shuttlesworth before we left Atlanta to tell him what time our bus would arrive.

He said: "It is long agreed that you are going to get this kind of greeting. It has been in the organization for the past week that there is going to be a mob waiting there." So, it wasn't any particular surprise.

Person and I went from the bus station into the waiting room and we were about to enter the lunch room when this mob came at us. About six of them grabbed me and about the same number grabbed him.

They half carried us from the waiting room into this
sort of waiting room between the waiting room and the platform and still they could do what they were going to do without people watching.

As soon as they got me in the alleyway -- I could not see where they got Person to -- they went to work on me with pipes and with their fists and it wasn't very long before I was unconscious.

When I came to, there was absolutely nobody around. It did not dawn on me until some time later it was because of what they had done to me that day, nobody wants to be guilty of murder. In about a couple of minutes or so several men came in from the waiting room and asked if I needed help.

I looked the other day and Walter Bergman was coming. He found me and he helped me into a cab. At first I went to Reverend Shuttlesworth. When he saw how badly I was injured, he called the ambulance and I went to the City Hospital and had fifty three stitches in my head.

In this matter of police, the absence of police, I believe it may not have been quite that bad if there had been some there, because when we left Birmingham again the next day, the mob formed again and we recognized their faces in the bus station and again in the airport. But they didn't go into action again largely because on that occasion there were some police present.
There had probably already been some kind of protest in between. Anyway, they were there in sight.

Q So, you are saying in effect this particular aspect that you believe that the presence of police on the second day, the day when you were leaving Birmingham, gave you a certain degree of protection because you weren't molested at that point?

A I certainly agree.

MR. WATTS: Does the Committee have any questions to ask Mr. Peck?

MR. THOMAS: I would like to apologize to Mr. Peck. I didn't know he was going to testify about Bergman.

MR. WATTS: I believe that both testimonies are valuable.

MR. CULBERTSON: May I make a comment at this point? I say it for a calculated reason. It appears from the testimony of this witness that they perpetrated that terrible crime on the bus up in the United States District Court where the judge was appointed by the same President of the United States.

It is one of the problems that President Kennedy will have for some time to come. I think it is very significant in this field of Civil Rights
that if you have that type of Federal judge, they
will pat the fellows, more or less, on the back
and say: Don't do it anymore. We are going to let
you go this time.

If we expect that type of judge in the Federal
Court, what can we expect in the state court? I
am going to make this comment at this time because
I heard it from a candidate who expects to be ap-
pointed as a United States District judge in South
Carolina, that several other applicants, aspirants
or hopefuls for this office, are members of the
White Citizens Council.

I hope and pray our present Administration in
filling this vacancy will not appoint members of
the judiciary who are members of the White Citizens
Council.

MR. THOMAS: At least not any more.

MRS. ROOSEVELT: May I make a comment. I have
said to the Committee how important I think public
opinion is. I think you have to realize that under
our political system, judges have to be endorsed by
the senators and congressmen of their district.

Now, unless you can awaken public opinion to
have some effect in the south, these southern repre-
sentatives who are elected by their constituencies, you are asking the President to risk very often a vote on his Administration's policy bills and perhaps not get them passed, because of a situation where he has suffered to follow recommendations by custom of the representatives of the district.

Now, this is in our system which points up, I think, the need for the individual citizen to be awakened and held responsible, because it is people in these areas who are really at best responsible. They elect their representatives. They are the ones who feel this way and I think they will respond to the real feeling of the rest of the country if it is brought out and crystallized and made clear what they are doing to their country in the eyes of the world and in the eyes of their own nation and of their own people.

Not that I don't think that the Administration should have the courage to do this. I don't think it can do it every time. I think it can do it nationally. You have to be practical.

MR. CULBERTSON: That I agree.
MRS. ROOSEVELT: But I do think it is most important that this becomes the knowledge of the people of the country.

Now, as Chairman, perhaps I should not make this statement, but I think it is important that we realize that it is something that you have to know.

We are not a divided people in this country. We are of one country and we have got to awaken this feeling in the country.

MR. CULBERTSON: I feel, though, if the Administration is going to continue to do business with this type of people, that there is very little hope for people like we are, who like to think liberal views, progressive views, if we have appointed men who really, we know, are going to work against us.

If we don't wake up and protest, when you don't protest, the President appoints these people. For instance, if he says to Mr. Eastland, who is Chairman of the Judiciary Committee, I want your support here on domestic policies and foreign policies and I am going to let you name the district judge down there --

MRS. ROOSEVELT: Here, does he say it? I
think Mr. Eastland says it to him.

MR. WATTS: Mrs. Roosevelt, may I respectfully suggest that this discussion better continue in executive session of the Committee. We have many witnesses here.

MR. SHISHKIN: I have one question here. I wonder if I may ask that of counsel? Mention was made that pursuant to the court decision previously in the Interstate Commerce Commission case, which issued, as you know, new regulations, I wonder if counsel would state what these regulations were and what it provided at that time in addressing this pattern of accommodations which were in and around the station.

MR. RACHLIN: It should be kept in mind, actually it wasn't a new opinion, if the Commission wishes to discharge it. In the Morgan vs. Virginia, the law of the land was clear.

Among other things, the ICC was catching up with the court. After the Freedom Riders were started, the Attorney General petitioned the Interstate Commerce Commission to adopt regulations which he pressed for and which in substance stated as follows:

First of all, a sign should be posted in buses
and bus stations that the buses and terminals are operated without regard to segregation, etc. That it is the obligation of the people operating terminals to make regular reports to the Interstate Commerce Commission concerning violations of these regulations.

This is in essence what is involved. On behalf of the court, he had recommended to the Interstate Commerce Commission that they require the terminal operators who are part of a chain of interstate commerce to also adopt a regulation requiring sub-tenants of the terminals, such as restaurants, barber shops, and the like, to have clauses in their leases that they would operate these facilities without regard to race, creed or color.

But the ICC did not formalize that suggestion. I was just in Jackson only Monday of this week and if you walk outside of the Trailways bus station in Jackson and the Continental or Greyhound bus station in Jackson, and the Illinois Central Railroad, there are signs, iron stanchions, which point to the white waiting room and the colored waiting room.

What is no longer on the sign is "By Order of
the Police Department". This is the only difference. But the sign is still there and Judge Mize, who is another one of the judges of the Southern District Court of Mississippi, is the one who recently ruled that such signs are not in violation of the Interstate Commerce Commission regulation which went into effect in November 1961.

MR. SHISHKIN: To the extent that these regulations that have been issued since this understanding and are violated, what manner of redress is available now to anybody?

MR. RACHLIN: We have had a conference with the ICC and Justice Department. Each of them has invited us to file complaints with the respective divisions, that is, where the bus company itself has turned in a violation, complaints are to be directed to the ICC. Where there are local police officers who are in violation, these violations are to be directed to the Justice Department.

MR. SHISHKIN: What happens then?

MR. RACHLIN: At that point, they investigate.

MR. SHISHKIN: After investigation, what redress?

MR. RACHLIN: At the moment, I don't know how
to answer that question because — to the best of my knowledge there has not yet been one prosecution or even an attempted prosecution either by the Justice Department or by the ICC with regard to any violations of the ICC ruling.

But that is not all, because in all fairness, it was the Justice Department which was the one that tried to get in the case of the stanchions in the bus stations in Jackson, but it was the Federal Judge who said the Justice Department had no right to proceed in the case.

BY DR. CLARK:

Q Mr. Peck, how long were you in the hospital?

MR. WATTS: Dr. Clark, will you speak a little louder?

DR. CLARK: I wanted to know how long Mr. Peck was in the hospital.

A Oh, from six in the evening until two in the morning, and this reminds me of something which I want to bring out in connection with this police situation.

After they had completed the fifty three stitches, a couple of city police took me in and tried to intimidate me from staying with Reverend Shuttlesworth. They said "You don't stay with niggers down here". They tried to
advise me to go uptown and get a room, and I took the position that I could stay -- that he could stay wherever he liked and I could stay wherever I liked, but what I am leading up to is then, when they had finished with me, I called up Reverend Shuttlesworth to come down and get me in the hospital.

Now, they wouldn't let me wait inside the hospital because I had been discharged as a patient, and while I was waiting outside for him to come, there were police there already cruising by and they stopped and they threatened to arrest me for vagrancy at that time.

Q While you were in the hospital or waiting for Reverend Shuttlesworth, did you have any other conversations with the police officers other than where you should stay?

A That is all.

Q Did they ask you about how you had been injured?

A No.

Q Were you in communication with the FBI?

A Not at the hospital.

Q At any time during your stay after you were beaten?

A I wasn't. Oh yes, excuse me. When we got to New -- yes, when we got to New Orleans at the end of the trip,
they questioned us there. It was a couple of days later.

Q  FBI agents questioned you?

A  Yes.

Q  Will you tell us the nature of the questions.

A  Well, they -- it was a routine questioning. They asked what had happened, went through the whole thing, took notes on it.

Q  I'm afraid I'm a little dull. What did they say to you? What did they ask you? Did they ask you about who had beaten you?

A  They asked to relate the whole event.

Q  Were they concerned with the individual who had perpetrated this crime upon you? Were they concerned with trying to identify these people?

A  Well, they didn't express any views on the -- concern on the matter. They just asked the questions.

Q  Were you bandaged at the time they were questioning you?

A  Yes, all bandages over the head.

Q  You told them that you were beaten?

A  Yes.

Q  Are these people police -- I am sorry, I am not a lawyer, so I don't know about the FBI -- but --

MR. WATTS: You are doing very well, Dr. Clark,
go right ahead.

Q (continuing) I am trying to understand the nature of their questioning of you in the condition that you were.

MR. RACHLIN: Perhaps I could ask the question, Dr. Clark.

Q Jim, were you asked by any of the FBI officials in New Orleans to identify any of the individuals who may have, you know, injured you in any way?

A I don't believe they asked that specific question. They asked what had happened.

DR. CLARK: That was obvious.

MR. RACHLIN: Did they show you any pictures from the newspapers? There were a lot of pictures taken of those incidents, weren't there, Jim?

THE WITNESS: Yes, there were, and this reminds me of another important thing that I want to bring out, because it brings out we are not the only ones who were beaten.

Right after this assault on persons in Birmingham, this same mob beat up Tom Langston, a reporter of the Birmingham Post, who had gotten a close-up picture, so close that you could see the expressions of hate on their faces, and the reason that you saw that picture in the paper the next day was that he had put the film
in his pocket but they did smash his camera when they beat him after us, and then they went after Clancy Lake, a radio newscaster who was broadcasting from his car.

MR. RACHLIN: Did they FBI ask you, using any of those pictures that had appeared in the public press, whether you could identify any of those individuals as any of your assailants?

THE WITNESS: I don't remember them having any pictures, showing me any pictures.

BY DR. CLARK:

Q. Were you ever asked by a Federal law enforcement office any question that was geared to attempting to identify individuals who beat you? Were you ever in any kind of communication in which you were aware of the fact that there was an attempt to try to bring to justice the individuals who had perpetrated this crime, by any member of the FBI or Federal Marshall or anybody from the Department of Justice of the Federal government of the United States?

A. Let me say this, in this questioning in New Orleans I got the impression that it was simply a matter of going through a routine business rather than unearthing anything.

Q. Was this routine business concerned with trying
MR. WATTS: Mr. Peck, would it be fair in summary of what you have just said in response to Dr. Clark's questioning, that the FBI basically took down your story as you told it and made no effort to explore it further in details to get out from you any identification of your assailants?

THE WITNESS: That is exactly it.

BY DR. CLARK:

Q Did anybody from the Department of Justice communicate with you towards this end?
A No, I didn't -- I had this one interview with this one agent in New Orleans. That was it.

Q At any time since then?
A No, not since then, nothing.

MR. WATTS: General Taylor?

MR. TAYLOR: No.

MR. WATTS: Are there any other questions of Mr. Peck? Thank you, Mr. Peck.

MR. RACHLIN: At this time, Mrs. Roosevelt and members of the Committee, we would like, with your permission, to call Jerome Smith as a witness.

JEROME SMITH, called as a witness by the Committee, was examined and testified as follows:
EXAMINATION BY MR. RACHLIN:

Q  Jerome, how old are you?

A  Twenty three.

Q  How many times have you been arrested in Civil Rights activities?

A  Somewhat complicated. I will explain it to you. Starting in September of 1960 I was arrested in New Orleans for sitting in at a Woolworth chain store. Between September and April of 1961 I was arrested about seven times, but this was daily arrests, you know, because of demonstrations. I was arrested, stayed in jail four or five hours, was released and perhaps two, three days later, I would be arrested again.

In April, 1961, I was arrested in New Orleans and I served thirty days in jail for picketing the Woolworth chain store in an effort to abolish racial discrimination.

In May of 1961 I was arrested in Jackson, Mississippi, for the part I played in the Freedom Rides. I served eighty days in Jackson, Mississippi, because I refused to accept an appeal. In December of 1961 I was arrested in Baton Rouge, Louisiana. I took part in the mass march in Baton Rouge. I served twenty one days, and I was beaten in the Baton Rouge jail.

I was arrested August of 1961 in New Orleans for a
demonstration at the police station protesting police brutality. I have no official count of the rest.

DR. CLARK: Do you have an official count of beatings?

THE WITNESS: Yes.

MR. WATTS: We have counted up so far twelve. Perhaps you have overlooked a few.

BY MR. RACHLIN:

Q Jerome, there came a time in November when you had occasion to go to McComb, Mississippi; is that right?

A Yes.

Q What was the occasion of your going to McComb?

A On November 29th, which was, I believe, five days after the ICC had rendered the decision outlawing racial discrimination in interstate travel, a group from New Orleans went to McComb in order to test the Greyhound bus station.

Q How many were in that group?

A Five.

Q You went by Greyhound bus?

A By Greyhound bus.

Q Will you tell us briefly what took place then?

A We arrived in the morning about, I believe it was ten thirty, and were informed that the station was closed because
of a gas leakage. Later on in the day we returned to the bus station. We were greeted by a mob. George Raymond and several girls were kicked and coffee was thrown on George and I was beaten with brass knuckles and what have you. Tom was pitched into the street several times.

Q Tom who?
A Tom Gaither. Valentine was pitched in the street several times. I dove into a truck. Several of the girls were stranded in the street. They were kicked in the back and what have you by the mob.

There was no police. I was informed later that the police station is a block or two from the bus station. We spoke to the police about eight thirty that night after speaking to the Justice Department. The police were not going to give us protection unless we requested protection. They Justice Department stated that they could not give us protection because the local authorities should give us protection.

We informed the Justice Department that we had no intention of requesting protection because we felt if the supreme rule of our land was in an atmosphere that was chaotic that the Justice Department would see that we would be protected. We felt that our status as citizens of the United States was the same as President Kennedy. We told them that we pledged the loyal allegiance to America and America should
do the same thing for us, so we did not request protection.

We spoke to the Justice Department several times and finally they decided to see that we were protected.

Q: Didn't the Justice Department, shortly after, go into McComb and get an injunction against the Mayor of McComb?

A: Yes, and the Mayor of McComb and New Orleans, CORE and national CORE also.

DR. CLARK: Mr. Chairman, was he saying that there was an injunction against CORE?

MR. RACHLIN: No, there were two injunctions in McComb, Dr. Clark. The first one was obtained by the Justice Department itself against the officials of the City of McComb. There was subsequently a later injunction obtained by the Mayor of McComb against CORE from participating in any of these activities in McComb.

BY MR. RACHLIN:

Q: I think we ought to, Jerome, have you tell us a little bit about what you were doing. Were you able later to use the facilities of the bus station in McComb?

A: After the beating the group rejoined and tried to re-enter the station but we were not able to penetrate the mob. It had increased to such a great extent. However, the day after a group from New Orleans went into McComb and I believe
that Tom Gaither would be more qualified to address himself to this than I.

Q Was there more than one occasion at which you were physically beaten in the vicinity of the bus station at McComb?

A No.

Q Just one occasion, is that right?

A Yes.

Q Was this inside, actually inside the bus station?

A Inside the bus station, yes.

Q There were no police in the station at all?

A No police in the station, none on the outside of the station.

MR. RACHLIN: I think I ought to advise the Committee that at the hearing for the injunction that the City of McComb obtained against CORE, that the Mayor of the city acknowledged that he had police interpret the injunction that the Justice Department obtained against him and deliberately did not have any police inside the station because it was his understanding that if he had police inside the station that would constitute an indirect method of enforcing segregation. This testimony is actually in the record of the proceeding of McComb against CORE.
Actually I have the injunction here in front of me on that point where Judge Cox, who was one of the new appointees, issued this rather broad injunction, which I will offer for the record, against CORE at that time based upon testimony largely of the Mayor.

The record is a fascinating record and some of the attorneys on the Committee might like to read the record as to what evidence is needed to obtain an injunction. For example, the Mayor of the city was one of the plaintiffs, but also the owner of a lunch counter inside the station of McComb was likewise a plaintiff. He admitted on cross-examination that he had refused to serve these people and that he had never served Negroes at this counter. He was admitting to a violation of what was Federal law and particularly new ICC regulations, and yet despite this what we call lack of clean hands on his part, the Federal judge did not find any difficulty in issuing the injunction at all. This we can make available to the Committee.

EXAMINATION BY MR. SHISHKIN:

Q  Mr. Smith, these events, as you have recited to us here occurred on November 29th, 1961?

A  Yes sir.
Q. Wasn't that date subsequent to the ICC ruling?

MR. RACHLIN: Yes, this was about a week after the ICC ruling. As a matter of fact, Jerome testified that one of the reasons he came to McComb was to see the effect of the ICC ruling in McComb, Mississippi.

MR. SHISHKIN: To test it?

MR. RACHLIN: Yes.

MRS. ROOSEVELT: Any other questions? Thank you very much.

MR. WATTS: The next witness will be Mr. Frank Nelson, please.

FRANK NELSON, called as a witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. WATTS:

Q. Mr. Nelson, according to our notes, you were a scholarship student in engineering at Cooper Union in New York, from which you were graduated in 1959, and that you have since been employed as an engineer. By whom were you employed, Mr. Nelson?

A. My last employment was with the United States Coast Guard, as a civil engineer.

Q. As a civil engineer with the United States Coast Guard?
A That is right.

Q Would you tell the Committee just what you participated in and what your experience was, with particular reference to what the police did in terms of providing you with protection or otherwise.

A Originally I had gone on a Freedom Ride in June of 1961 to Jackson and had served my term of forty days in jail and been bailed out in early August. Since there was going to be a hearing in Jackson, Mississippi, to set our re-trial dates, I remained in New Orleans for about a week in order to return to Jackson for this hearing.

I was scheduled to leave on August 13th for Jackson. On the night of August 13th myself and two other former Freedom Riders -- they were also white -- were invited to the home of a Negro CORE member for dinner.

Q This is in New Orleans?

A This is in New Orleans. Well, we were sitting around awaiting dinner with this Negro CORE member and her family when several police arrived outside and they said that they had heard that there was a disturbance between whites and Negroes at this residence, but they found it wasn't so and left, but soon after, within a few minutes, half a dozen police came back and moved directly into the house without any invitation and began to question us. We asked them if
they had any right to come into the house without being asked and if they had any right, to question us.

Q Did you ask them whether or not they had a warrant?

A Yes, we did ask them if they had a warrant, and they said no, but they didn't need one, and we asked if we had any rights and he said we have no rights, when he said come, come.

After questioning us they said that we had better come with them. We -- that is myself and the other two white Freedom Riders had better come with them for further questioning down at the police station. Well, the three of us were taken down to a police station, and after about half an hour's questioning were booked on no visible means of support, although we all had money on our persons at the time.

Then we were put into a police wagon for transfer to another station to be fingerprinted and photographed. Inside the police wagon we found another white male prisoner who, on our entering, told us that he was in for assaulting a Negro, and as we rolled from one police station to another he was becoming more and more violent towards us verbally, and finally, as we stopped outside the parish police station there he jumped up, started shouting and swinging at us. We maintained a non-violent attitude, and it was fairly hard for him to do us any harm because of the confined quarters
there, and the police soon opened the door, but they came in swinging their blackjacks and kicking at the three of us.

They threw us out of the wagon. I was the first one thrown out. As soon as I landed on the floor another police officer grabbed me by the collar as I was sitting there and while hitting me over the head with his blackjack was yelling "He is trying to escape". For some reason I wasn't being hurt too badly. I was stunned and it seemed rather funny to me at the time but soon didn't.

Well, I turned around and saw another of my friends, John Dolan get thrown out face first and land very heavily and lie there, and an officer leaped out of the wagon onto him feet first and fall off him again. This time we were all told to stand up and face the wall, to put our hands on the wall.

We did, and while we were standing there with our hands on the wall, police officers with blackjacks began beating us. I myself was hit mostly in the back and lower kidney area about a dozen times. Each time with an effective cursing out in between, and the others were also struck. It must have been approximately, I would say, at least a dozen, probably more, police officers had come out of the station right at this time, because we were directly outside of the
police station. Finally, they stopped beating us and took us inside for questioning.

The third of the Riders, George Bevins, had gotten a bad cut on the back of his head and his shirt was covered with blood, and the rest of us were hurt in various ways, and one of the officers, in seeing blood all over George's shirt, asked where it came from. He said that he had been cut in the back of the head. The officer said "Where?" and grabbed him by the hair and dug his hands into the wound and started it bleeding again. Later George had to get four stitches there.

I myself was threatened by the same officer with death if he ever saw me again and he said that I should get out of town next time as soon as we were released. The third person, John Dolan, was taken outside into a little alcove and questioned further by the officers. I heard some noise so I edged forward so I could see and they were slapping him and hitting him with a blackjack and kicking him in the stomach and groin, trying to get him to tell where the other Freedom Riders were.

MR. SHISHKIN: What was his name?

THE WITNESS: That was John Dolan. He was a student from Berkeley, California.

They were trying to get him to tell them where the other Freedom Riders were. Apparently they were
discussing among themselves about picking up as many as possible to prevent us from going to this hearing, because if we didn't appear there we would lose our bail.

After this we were taken down to yet another police station, kept waiting there for a while and finally taken to Charity Hospital in New Orleans, where we had to wait for about an hour before anything was done at all. During this time George was bleeding badly and John was bleeding from facial cuts. He had a split tooth and other things, and I had my back cut and bruised over the entire area.

I received no treatment at all. They just looked at me and saw that I wasn't bleeding anywhere too badly, so that was all right, and the other two, George got the stitches, we were taken back to the police station and put in jail for the night.

During this period we had asked occasionally that we be allowed to make a phone call to our lawyers and they said, "Well, later" but finally when we saw we were being put in jail for the night, we asked for the right again and they gave us a flat no. Soon after our lawyers came and were able to visit us and several days later we were bailed out. We weren't bailed out, we were tried on the charge of no visible means of support and acquitted. In the meantime, however --

MR. CULBERTSON: Did you have a jury?
THE WITNESS: No, this was a local judge in the municipal court. Meanwhile, they had filed charges on us of simple assault, aggravated assault, and attempted escape, and in order for us to make our hearing in Jackson, we had to put up $1,000 bail apiece.

Later, the FBI -- an official protest was made to the local police department, and to the FBI, and the FBI called us in for an investigation. They questioned myself and the two others quite extensively over a period of three or four hours, the normal type of FBI investigation where the first question was to your personal background, and then get the complete details as far as possible from you.

As far as I know, nothing ever came of this investigation because later I have been to see the FBI on many occasions at their request to give them information on other matters, and the latest was in January, and I asked the officer who had been in charge of my questioning on this matter how it was standing and he said that it was still in their files, so as far as I know nothing was ever done.
BY MR. WATTS:

Q    Mr. Nelson, you heard Mr. Peck's testimony on the matter which the FBI investigated the assault upon him. You have said that you were questioned over a considerable period of time and you have characterized it as a normal investigation by the FBI, and I'm not sure exactly what that means, but you were asked whether or not you could identify and was any effort made to show you pictures or to enable you to identify any of your assailants whom, I understand, were all police officers?

A    Yes, they were all police officers. I was not given any pictures or anything on that line to identify, but I was able to make some identification by my own sayso. In other words, while giving them the information about the incident I also mentioned whatever I could that would identify the officers involved.

Q    Was there any further effort by the FBI, outside of the information you volunteered, to probe you on possible identification?

A    No, not beyond what I volunteered.

BY MR. BALDWIN:

Q    Don't these officers have numbers and badges?

A    Yes, this is the type of information I was able to volunteer.
Q. You did get their numbers?

A. I didn't get their numbers, but this is the type of thing, but the officers, specifically their names, were available since it was printed in a paper the next day. The next day's paper had their names and the local, you know, the police account of the affair saying the police side of the story and these were the officers involved to a large degree.

They only mentioned two officers, and these were the two that were largely involved, but there were others.

EXAMINATION BY MR. WATTS:

Q. Mr. Nelson, this is what happened to you in New Orleans. I understand that you were also engaged in some activity in Poplarville, Mississippi. Will you tell the Committee how you happened to be in Poplarville and what happened to you?

A. This was on another Ride testing the ICC ruling which actually went into effect November 1st.

We had made a Ride from New Orleans to Mobile and were returning via Poplarville, Mississippi. On this ride were myself and five CORE members from New Orleans, all Negro girls.

When the bus stopped in Poplarville, two of the girls went inside the station. It was fairly late in the evening and there was no one present in the station except a female
attendant and the local police constable. He allowed them to be served. As a matter of fact, he told the woman to serve them but apparently lost his temper when one of the girls sat on the same bench as him and grabbed them and told them to move, and as they started to leave, grabbed them again and said they weren't moving fast enough.

On the bus I saw him hustle them outside of the store and take them to the rear of the bus. Well, I was very concerned for their safety since this town has a fairly bad reputation, and I got out of the bus and asked the officer if they were under arrest and if they were being taken to the police station. However, as I approached them, before I was able to say anything, he grabbed me by the neck, pulled out his billy club and asked me if I wanted anything, if I wanted some of this. I said no, and that was about the only word I got to say. He told me to get over there with the others.

I was taken to the station and booked on disturbing the peace by interfering with an officer in the line of his duty.

Q I'm sorry, Mr. Nelson, but I didn't quite grasp in what manner you were interfering with an officer.
A Well, I was walking up to him to ask him a question. I guess that was sufficient. He knew I was with these people. I had been pointed out by the woman in the station to him.
MR. WATTS: Does the Committee have any other questions to ask Mr. Nelson?

MR. BALDWIN: I would like some clarification on two points. One, do I gather from the testimony of this witness and the others that there have been identification of police officers who deprived the citizens of their Civil Rights one way or another under Federal law, and there has been no Federal action? That is the first question I want to ask.

MR. WATTS: There certainly has been identification. There has been Federal action to the extent that FBI is investigating. There has been no further Federal action, to the best of our knowledge.

MR. BALDWIN: And second, do I gather that although the ICC ordered the bus terminals to desegregate, that that has been overcome by local enforcement of some police ordinance?

MR. RACHLIN: Mr. Baldwin, I wonder if I may say a word about that because I wonder if the companies are doing all they could and whether the ICC is doing all that it can.

For example, to come back to Jackson again, in all the terminals in Jackson, despite the ruling of the ICC, there are still two waiting rooms. Now,
there is no need for two waiting rooms, the mere existence of the second waiting room is by that very fact encouragement and an attempt to enforce segregation through some subterfuge which is very hard to get at, and especially when you have to deal with a Judge Mize, who encourages these very facts.

For example, I contemplate and I hope that in the non-too-distant future we may begin a general action trying to order both the Illinois Central Railroad and the Greyhound Bus Company to close that second waiting room on the ground that it serves no useful purpose and is really a subterfuge for the purpose of maintaining segregation, a violation of the act.

MR. BALDWIN: Is it true in practice -- I don't know if this witness can testify to it -- but others seem to have done so, that despite the ruling of the ICC, and the white and colored signs have been taken down, that nevertheless they are segregated still?

MR. RACHLIN: We can submit a report on this because CORE is constantly checking this very fact, and there is information that we can make available.

MR. BALDWIN: I gather from these witnesses that there is still segregation.
MR. RACHLIN: We have a survey which might supplement the individual statements of the witnesses.

EXAMINATION BY MR. WATTS:

Q. Do you have something to say to that, Mr. Nelson?
A. Yes; I have a statement on that exact matter. On November 1st we made the first one of these Rides testing the ICC ruling through southern Louisiana, to Texas and at various points along the way, and at some points we were served, and at others -- three points that I can remember, Lafayette and Crowley, and another point in southern Louisiana, we were not allowed to use the facilities. The Negroes were not allowed to use what had formerly been the white waiting room. I was not allowed to use what had formerly been the Negro waiting room. We were barred from entering by police with state troopers.

MR. BALDWIN: You mean at all?

THE WITNESS: We weren't allowed in at all in the wrong facility. I did go in the white waiting room to check and see if they had the signs.

MR. BALDWIN: There were no signs White and Colored?

THE WITNESS: The signs were gone but the practice was apparent. Now, this is five months later, this was in November.
During November we filed reports with the FBI, and during December and November we were questioned on these matters exhaustively, all the people involved, by the FBI. However, in March, another Freedom Ride, another ride was made along the same route and in exactly the same places, and exactly the same thing happened. In other words, they were served at the places that had served them November 1st, and they were not allowed in the places that had not allowed them in on November 1st. This was five months later.

Mr. Baldwin: In other words, segregation was still maintained and practiced?

The Witness: Correct.

Mr. Watts: Are there any other questions of Mr. Nelson?

Mr. Thomas: May I ask, Madame Chairman, either of the witness or any of the lawyers, are you in a position to say whether or not there has been on the bus lines themselves some obedience of the order? That is to say, that there has been, in spite of this, a breakdown of segregation?

The Witness: As I said, some places did serve us.
MR. WATTS: Mr. Thomas asked on the bus lines themselves.

MR. THOMAS: On the bus line itself, in transit, how well is it observed as far as you know?

THE WITNESS: We never had any trouble at all on the buses themselves, anything that I have been engaged in.

MR. BALDWIN: You sit where you want to?

THE WITNESS: That is correct.

MR. THOMAS: In other words, what I want to bring out is that while we are getting a story of this miserable business, it ought to be said that people who have suffered like this seem to have accomplished something.

MR. WATTS: That is true, and that is the most encouraging action, that as far as we know, segregation, buses itself, this has been eliminated.

THE WITNESS: There has been some instances of what I might consider collaboration, but they can't really be pinned down; such as in Poplarville it was not a scheduled stop. The bus stopped there just to take on passengers and leave immediately, however, it seemed to have some sort of mechanical difficulty which did carry through this testing
which involved the result of the rest of us. When we got to the station the police officer told us, assist him to go and get the rest of them off the bus, however, the bus apparently, immediately after our arrest, seemed to cure all its faults and left instantly. Normally, five months is a very short time for anybody in Mississippi to learn to obey Federal laws.

Q One final question, Mr. Nelson. Do you have any brief expression on why you, as a white person, are participating in these activities?

A Actually, it is just a matter of getting down to finally doing what just about everybody thinks is correct, and I finally -- this is last May or June, got tired of sitting around in the living room and discussing how bad things were there and finally decided to see if I could perhaps do something to help change things.

Q You felt you could do better with the Freedom Riders than you could with the Coast Guard or the Corps of Engineers?

A That is correct.

MR. WATTS: All right. Thank you.

MR. RACHLIN: At this time, I would like to ask Mr. Eric Weinberger to testify.
ERIC WEINBERGER, called as a witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Mr. Weinberger, where is your home?
A In Norwich, Connecticut.

Q Now, did there come a time recently when you had occasion to go to Brownsville, Tennessee?
A Yes, sir.

Q Will you explain the reasons why it was important to you to go to Tennessee?
A There had been over the last couple of years the eviction of sharecroppers from their land in Fayette County.

Q This situation has been well-known up to this time?
A Yes, because of registering to vote. There was a Federal injunction to try to stop this. There were to be more evictions. This was to be in December.

A friend of mine came up with the idea of making a leather tote bag or hand bag, which is quite simple to make and might be introduced down there. Some people might like to make them.

Perhaps integration organizations and other similar organizations might publicize this and might sell these bags and might help the evicted people who will make the
bags. I went down to see them, all of the people there.

Q    When did you arrive in Brownsville, Tennessee?
A    In December.

Q    December 1961?
A    Yes.

Q    Can you tell us what happened to you shortly after you arrived there?
A    I was there for a week. I spoke to the district leaders of the Haywood County Civic Welfare League, which is the vote registration organization. They liked the idea. They bought leather in Memphis.

Q    Do you have one of those bags with you today? I wonder if you would show it to the Committee?
A    Yes (indicating).

Q    Pass them up to the desk and perhaps while you are talking the Committee can examine them.

That bag you are now showing to the Committee, had it been designed by you?
A    No, it was designed by a teacher in a Quaker school in New Hampshire. I learned it from him.

Q    It was your proposal to go down and help these people who were put off the land to develop means of earning an income? Was that the reason for this?
A    Yes, it was.
Q All right, Eric, you can go ahead.

A I didn’t speak to any policemen during that first visit although I was told that they knew I was in town.

Within three hours after my arrival in town I was urged; Mr. Weinberger, get out of town, get out of Fayette. The police were following me around and I would be arrested if I stayed in town any longer.

There was no direct contact with the police on that first visit. I went down again in Fayette after having taken a few small bags to New York, after showing them around and arranging for various methods of publicizing and accepting orders by going down.

I went back to Brownsville and conducted some more classes and began actually the making of the bags. I had some leather with me.

This went on for three days. There was a young man with me, Jeffrey Gordon.

Q Who is Jeffrey Gordon?

A He lives in New York City. He is a college student. He wanted to continue this trip. He only stopped off for a few days. He wanted to be helpful, so I offered him a lift to Memphis, which is fifty miles away.

About ten in the morning we got into the station wagon that I had the use of and we headed up to Memphis. We got
about three blocks. One block from where we started there was a police car waiting for us. He pulled up behind us and I proceeded very slowly since I had been previously speeding arrest.

The people came down to try to be of some help. I was proceeding very slowly. The police pulled up behind us. One of the deputies came up. He said: "Police". This was from the sheriff's office.

One of the deputies came up and said to follow him to the courthouse. We did. He asked us to go inside and we were to show the registration, show the registration on the car. The car wasn't registered in my name but I had a letter of permission to use the car. I offered to show that to him.

At that point, he left the room for about five minutes, the room in the courthouse. He came back and said we would have to spend the night in jail.

Q Did he give you a reason?
A No.

Q Was he charging you with any crime?
A We asked him that. He wouldn't tell us because he wouldn't tell us whether we were under arrest. We refused to go with him. He started to grab us and we didn't cooperate. We were dragged out of the courthouse which has field cement
steps, dragged by the feet and with our head bouncing on the cement, up into a police car, down to the county jail, dragged up the stairs, and put into the cell.

About three hours later they came back for fingerprints and photographs. Jeffrey was first. He didn't cooperate. He was dragged out of the cell by means of a device. It is clamps over the wrist.

Q Metal clamps or leather?
A No, it is a metal clamp. It is like a single handcuff, adjustable. I presume the reason it is adjustable, is so as to fit various sizes of wrists. But they keep tightening it.

Mr. Nelson tells me it is called a wrist breaker. The back of my hand is still numb and is scarred.

Jeffrey was dragged out, so it was comparatively easy for them to get his fingerprints.

Then, they came to me. I was dragged out by means of this instrument. I felt this was a horror of police injustice and I could not cooperate with it.

As a means of non-violent, not cooperating, when they put my hand on the inkpad, I wouldn't move my fingers a half inch to smear it so they could not take my fingerprints easily.

This infuriated them. I was beaten and punched in my
eye a number of times. My sight was impaired for some months. I could not read with it, although it is all right now.

The wrist clamp was used to an extreme degree. This finger (indicating) was bent way back to the ultimate and it still hurts. I passed out several times.

If they wanted my fingerprints, they could easily have taken them. They slapped me back to consciousness again.

My pants were torn off. I didn’t see it. It was referred to. An electric stock probe, used in stockyards to stock cattle and make them move along was used around the private parts, it was very painful stuff.

I was picked up and held in the air by the private parts. Finally, they gave up. They could not get the fingerprints.

I was dragged back into the cell. The beating lasted for fifteen minutes, Jeffrey told me. I could not estimate.

There was a time after that day the deputy came by later and started to curse for ten minutes. Apparently in an attempt to get me angry at him.

The next day, I was again taken out of the cell and taken to the adjacent cell, tied with a rope to the base of the cell to someplace on my shoulder. A clamp was again used and this time on the hand they wanted to take the fingerprint of
A plier was used to pull the fingers out and at that time they succeeded in getting the fingerprints.

We were released at the end of seventy two hours.

Q Were you ever charged with any crime?
A No. We were told at first that we were being held because of the letter we had giving us permission to use the car notarized although it was signed by the person with whom it was registered.

Later there was a conversation between the deputy and the sheriff. The deputy wanted to hold us because we were at the house of a Negro. The sheriff said there was no statute on that.

They released a story to the paper that we were being held for investigation of a burglary, but nobody asked us about the burglary or anything of the sort.

After getting out, I continued on. I went to Memphis to put Jeffrey on his bus and stayed in Memphis a day or two to rest up and see a doctor. I came back down to Brownsville again.

I was in town less than twenty four hours when I was arrested again. I had gone out to some of the evicted people living in tents set up by Negro farmers.

I went out of town to hold the classes in making bags because these people found it inconvenient to go into town.
I was driving back into town about seven in the evening, being extremely careful about the speed limit because he said there were arrests for speeding before. I know for sure that I was going about twenty five miles an hour in a thirty mile an hour zone, where the police stopped me.

The policeman came over and asked to see my license and I showed it. He said: "You know, you were going forty miles an hour". I said: "No, I was going twenty miles an hour". He reached into the window and slapped me.

He said: "Get out of the car." I started to get out of the car and he grabbed me and dragged my wrist on the way out, propped me up against another automobile, went through my wallet and papers.

At this time, I stopped cooperating again so I was dragged into the police car. This policeman dragged me by my hair most of the time.

At one time when I found my sports jacket had a tear because he was dragging me, he signaled the other policeman to help him drag me with the sports jacket. I was put in a cell -- at this time it was the city police, not the sheriff's office.

I was put into a cell in the city courthouse and held overnight and tried the following evening. The charges were speeding, resisting arrest and failure to obey an officer,
and disorderly conduct.

All the charges were dismissed except for the speeding on which I was fined fifty dollars.

I refused to pay the fine. The judge said: Serve out the time in jail at the rate of two dollars a day and I served out two weeks, at that time fasting.

The remainder of the fine was paid because it was felt I should go back to work for the project which had been going on in my absence.

Q. How has the bag project continued now?
A. We have got many orders. We have so far well over five thousand dollar's worth of bags. We have orders for more than that again waiting to be filled now. Orders are continuing to come in at a nice steady rate -- not huge.

MR. BALDWIN: Are you still down there?

THE WITNESS: Yes, I'm down there again.

I have not been told -- they are not after me right now, in which case, they would come in and get me.

If I were to talk out on the streets by myself, they would probably get something, so on the advice of the Negro Community, I just stay where I am and really never go out. I have been down there three or four weeks this time.
MR. BALDWIN: I would like to ask whether you made a complaint against this really scandalous treatment you got?

THE WITNESS: No.

MR. BALDWIN: Why not?

THE WITNESS: I didn't make a complaint. During the private meeting, the deputy said: "You want to press charges?" The man's name is Anderson.

At that time, it struck me to say "Yes" would be asking revenge, so I said: "No, I wouldn't press charges", and I stuck to that.

I can't defend that, that is what I did, which has to do with sticking with it. I did report to CORE what had happened, because I thought they ought to know. They notified the Department of Justice and the FBI was sent around. They came in, I think, the second time I was there in July.

It seemed to me to be a choice of doing that again, going over in the custody of the people against whom it would be if I wanted to make a complaint. But I didn't wish to make a complaint. I didn't make a statement.

MR. BALDWIN: You didn't make a statement?
THE WITNESS: No, I didn't want to press charges against them.

MR. BALDWIN: Because?

THE WITNESS: Because I didn't feel that this would do it. These police have the community for support of their action. If one particular man would be removed from the force, singling out one with the worst reputation in town, he could easily be replaced.

So long as the community encouraged such an action, I don't think a criminal action against any particular person will accomplish anything. They can find another one to replace him.

MR. BALDWIN: I wouldn't argue that case with you because it is a matter of conscience.

THE WITNESS: I am not at all sure that I made the right decision.

MR. BALDWIN: You are not at all sure you made the right decision.

THE WITNESS: No, I am not, but having made that decision I stuck to it.

MR. RACHLIN: Dr. Clark, any questions you care to ask? Any other members of the Committee?

MR. THOMAS: Madame Chairman, I think this
would be a good place to hurry up some of the reports. I think the hearing might well be directed at senators like Kefauver and Gore, who appear to be ordinary liberal persons. If this goes to them, they will have to say something about it.

MR. WATTS: Yes, we can suggest like Mr. Baldwin. We won't argue specifically with Mr. Weinberger's decision not to complain about this excessively brutal treatment that he received. But I think we have another responsibility and a certain step to take on behalf of counsel and other representatives of the Committee. We will prepare a report just as rapidly as we can.

MR. THOMAS: Send that to the senators. There is such a thing as personal responsibility. In some of these places, not very far from here, people pose, in general, as liberals, who perhaps from ignorance are silent in the face of this sort of thing. It is time to bring home some responsibility.

MR. RACHLIN: Any further questions?

MR. CLARK: I would just like to observe,
the question of his choice is academic because it appears, whether he did or did not complain, the effect would be the same.

THE WITNESS: There had been complaints, I think, to your knowledge, to the FBI because the police department did behave like that before.

MR. THOMAS: I wonder if Mr. J. Edgar Hoover realizes what resources he has in the FBI. Perhaps the problem is, these men are not communists.

Q This whole thing stems from the fact that originally the tenant farmers were put off the land because of voter registration, is that right?

A Yes.

Q What you were doing was trying to help them rehabilitate themselves by being able to work?

A Yes, so that they could remain in the county they registered in instead of leaving the county.

MR. WATTS: We again ask you/talk into the microphone. One of the reporters failed to get what you said about the illegal complaints being filed and your knowledge of the result of the filing of such complaints.

THE WITNESS: To my knowledge, there has been no prosecutions although a number of complaints, in
all probability, have been made to the FBI, the Department of Justice, the police department and the sheriff's department.

MR. CULBERTSON: Mr. Weinberger, isn't that area where the Federal court issued an injunction against the farmers that favored eviction?

THE WITNESS: Yes, it is,

MR. CULBERTSON: Is that injunction still in force and effect?

THE WITNESS: I believe the injunction is in effect but it has not succeeded in its purpose because it was proved that this injunction had been made because these people had registered to vote.

During the following year, a few additional sharecroppers had been registered to vote. Then, it was claimed that all of the evictions were for economic reasons and the injunction was in effect.

MR. SHISHKIN: I want to fix the time. You referred to the date of February 27th you returned to Brownsville. That was February 27th of what year?

THE WITNESS: This year.

Q You mentioned the name of the officer who gave you his
name and invited you to file a complaint?

A   Yes. Anderson.

Q   Do you recall the names of any other officers, sheriff's deputies, police officers who either volunteered --

A   I know the name of the sheriff, Tip Hunter. He was not present during the first meeting, but he was present the second time when I was tied down.

Q   Was he actually physically in the room when you were being beaten?

A   Not the first time.

Q   How about the second time?

A   Yes.

Q   Did he exercise any restraint to muffle down any of the other officers who were beating you?

A   He was operating the wrist clamp.

Q   He himself operated the wrist clamp?

MR. WATTS: In the other complaints filed by other persons who had been subjected to actions by the police, were specific names turned over to the FBI, as far as you know?

THE WITNESS: Well, I can only repeat what was told to me by Reverend Curry of Brownsville, that he had complained to the FBI about a woman who had been beaten during the questioning, as to the whereabouts of her husband who was wanted for something or other.
She said she didn't know where he was. The FBI told him to collect statements from anybody and conduct an investigation and get in touch with them. He did so, although he didn't feel competent to do the investigation himself. No action was taken later.

MR. WATTS: But this minister did collect names and statements and did turn them over to the FBI, is that correct?

THE WITNESS: I believe so.

MR. RACCHLIN: Is this all?

MR. SHISHKIN: I just want to ask about the background of this whole situation with the sharecroppers. Do you know about the capital, the assets, the financial assets of the sharecroppers' funds?

A Last year there was a considerable amount. This year it has been declared a disaster area. It has been brought up by a private organization.

MR. SHISHKIN: Are they able to come back and do their actual farm work in this actual situations?

THE WITNESS: No; they can occasionally get farm work as day laborers or at cotton picking.

MR. SHISHKIN: Do you have any knowledge of the effect now, subsequent to all of these events, registration? Are they permitted to register to vote now?

THE WITNESS: The registration is restricted to
one day, Thursday. Negroes are not permitted to wait inside of the courthouse to register, but wait outside in the height of the season. Registration proceeds at a very very slow rate.

Sometimes three or four people register on a Thursday. That is the situation I have been told about. So that there is no one in the other five nights. Only 500 Negroes registered in the community.

A good number of voters won't register because they know the consequences.

MR. THOMAS: Know what?

THE WITNESS: Know the consequences, loss of jobs.

MRS. ROOSEVELT: If they tried to vote, would there be any --

THE WITNESS: No, I did not hear of anybody's running into economic persecution because of their casting a vote once they had it.

MR. RACHLIN: Would you repeat your answer?

THE WITNESS: No, I had not heard of anybody's running into economic persecution because of their casting a vote once they had it. It is when they register that forces are brought to bear on them.

MR. WATTS: You have testified that Negroes were restricted to registration on Thursdays. They would report and remain outside until their current case. What time
is set aside for white registration?

THE WITNESS: The registrations are on Thursdays, to my understanding.

MR. WATTS: Thursday is the registration day, but the whites are permitted inside and the Negro students are not. That is the difference?

THE WITNESS: Yes.

MR. THOMAS: What date is registration?

THE WITNESS: Any Thursday during the year, is my understanding.

MR. THOMAS: Any Thursday?

THE WITNESS: Any Thursday.

MR. THOMAS: What you are telling us still holds good? You were not told, say, something that was four or five months ago?

THE WITNESS: No, right now.

MR. RACHLIN: Our next witness is Dr. Robert McAfee Brown. Dr. Brown.

ROBERT McAFEE BROWN, called as a witness by the Committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Dr. Brown, according to my summary, you are an Auburn Professor of Systematic Theology at Union Theological Seminary, New York City; is that correct?

A That needs a little breakdown. I am helping to train men
for the Protestant Ministry.

Q. That clarifies it. Dr. Brown, if you are training persons for the Protestant Ministry, I am sure that you could go ahead without any prompting from us in preaching a sermon, to state your experiences?

A. I will try to be as simple in terms of the trip and more on the matter of police protection. Is that your wish?

Q. That's right.

A. I should say perhaps first, that our group was distinguished from other groups in that all of the members of our Freedom Ride were either Protestant Ministers, Negro and White, Jewish rabbis, all of whom could in good conscience work the clerical collar. I state that because it may have some bearing on the different testimony I give.

Our trip was from Birmingham to Tallahassee, Florida. The events that have bearing on this hearing is as follows:

The entire time we were in South Carolina, there was a police escort for our bus. The minute we came across the border, we were followed by police. This was true throughout the whole state.

One city, in Sumter, South Carolina and at other places in Sumter, there was police protection. The police was there all the time. There were some guards. I think there would have been some difficulty had there not been police protection.
There was one point, one policeman got emotionally involved and started ranting and acting rough toward us. I was told later on by one of our guards that later on this policeman was reprimanded for doing it.

Later on, at the bus terminal, when we appeared near the restaurant, the police cars followed right there behind us. We were never without police protection.

I would have to report, at least with one exception, I noticed there was courtesy on the part of the policeman in any dealings we had with them.

Our next stop was Savannah, Georgia at 3:30 in the morning. There were very few people. There were policemen on hand. There were no incidents. We were able to integrate the facilities as we were the next morning in Jacksonville.

The next stop was Tallahassee. There were many police. We waited for the restaurant to open there. The big crowd of white men was hostile toward us.

There was one incident when a Negro minister and myself were testing the facilities in the white man's room. We went in there and we were forcibly ejected by two local delegates. We reported to the policeman in the lobby. He had the two men ejected from the man's waiting room. We went in there and completed the test after the men had been ejected. We then went to the air terminal. This was a long trip. We were to take our plane to New York. The restaurant was closed.
We decided to wait until we were served.

There were police at the scene of the terminal. They offered no objection to our using the washroom, either Negro or white. We could not get in the restaurant because it was closed.

During the evening, a large and angry crowd began to gather outside of the terminal. We could see them outside of the glass wall. The police would not allow them into the terminal. They were waiting for us to come out.

As the crowd got bigger, the police were augmented by the state police. When it came time to leave, the local chief of police came over to offer us protection for the five miles between the terminal and the City limits.

The state police continued to offer us protection after leaving town. We spent the night sleeping in a Negro church. During the night there was apparently a state police car outside for the entire evening so there was no incident there.

We went back to the airport the next morning, conveyed by the police.

The next day, the restaurant still being closed, we were arrested by the local police on the ground of unlawful assembly with incitement to riot. We were told that we had to leave the premises in fifteen minutes. We in turn told the local Negroes to leave and that there was no need for
One local presbyterian Negro was arrested getting out of his car. We were generally well treated in the police station and the jail in only what would seem to be a petty harassment.

We got different impressions from the different policemen, but a couple were very hostile in attitude. One or two were obviously very embarrassed that what they were being called to do.

At our trial, the prosecution testified that we had been arrested at noon of the second day because we had a crowd that had gathered the previous night and had threatened to return the next night to break into the terminal. The prosecution also testified that no attempt had been made to disburse the white men outside.

None of them had been threatened with arrest for unlawful assembly or incitement to riot. We were the ones who were ordered to disburse and finally arrested.

We were given a trial in that local court several days later, which lasted a full day. The sentence imposed was the maximum sentence, $500 fine and 60 days in jail. This case is still pending.

Q  On appeal?
A  Yes.

MR. BALDWIN: Where did this take place?
THE WITNESS: Tallahassee.

MR. BALDWIN: In the City court?

THE WITNESS: Yes. The local judge heard the whole testimony.

MR. BALDWIN: No jury?

THE WITNESS: No jury.

MR. BALDWIN: With specific reference to police treatment, your case is in sharp contrast with the other testimony here today.

MR. RACHLIN: I think it demonstrates clearly, it is possible to be protected by the law enforcement officers if they have the desire to do so.

MR. BALDWIN: And if you are a cleric.

THE WITNESS: I think that, however, must be stated. We were identified as clerics. It makes me feel like a charlatan in view of what the other people went through.

The purpose was not to get protection wearing collars, but we did stress the fight for civil rights. I must say on balance, in most places there, the presence of police was a deterrent, but this was true in Fort Sumter and Tallahassee.

I don't think that we would have deterred the mob. I think they would have been quite unimpressed by that.

MR. RACHLIN: Any other member of the Committee have any question of Dr. Brown? Dr. Brown, do you have anything
further you would like to say?

A In response to questions?

MR. RACHLIN: I believe you have given a clear and succinct statement of your experiences and I think as I have indicated, that it demonstrates what the police came into when they are interested in enforcing the law. Thank you.

MR. SHISHKIN: I would like to fix the date you said last summer.

THE WITNESS: The middle of June. The date of our arrest was the 15th or 16th of June.

MR. RACHLIN: Thank you, Doctor.

MR. THOMAS: Unfortunately, Mrs. Roosevelt has to go. I think we are all grateful for her coming here and giving us the prestige of her name and presence.

MR. RACHLIN: I wonder at this time if we can call Henry Thomas as a witness.

HENRY THOMAS, called as a witness by the committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Henry, are you employed at the present time?

A I am field secretary for the Committee of Racial Equality.

Q Now, Henry, you were involved in which of the original Freedom rides?

A The one -- the first one that left Washington, the same one
that was described by Mr. Bigelow.

Q  The one with Mr. Bigelow?

A Yes.

Q Were you on the bus that Mr. Cowling was on; is that right?

A Yes.

Q In fact, Mr. Cowling testified in Jackson against you during the trial for disturbance of the peace?

A Yes, he did.

Q All right, now, where were you recently assigned, or rather, were you recently assigned by CORE to work in that area of Huntsville, Alabama?

A That is correct.

Q When did you start working there?

A I first made contact in Huntsville during the latter part of November, 1961. However, I started working there rather permanently about the 2nd or 3rd of January, 1962.

Q What types of groups were most active with you?

A With the college students there at the State College, Alabama A and M., in Huntsville.

Q Is this a Negro University?

A Yes.

Q Segregated?

A Right.

Q Did the incident occur on or about the 15th of January?
that was described by Mr. Bigelow.

Q The one with Mr. Bigelow?
A Yes.

Q Were you on the bus that Mr. Cowling was on; is that right?
A Yes.

Q In fact, Mr. Cowling testified in Jackson against you during the trial for disturbance of the peace?
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Q All right, now, where were you recently assigned, or rather, were you recently assigned by CORE to work in that area of Huntsville, Alabama?
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Q What types of groups were most active with you?
A With the college students there at the State College, Alabama A and M., in Huntsville.

Q Is this a Negro University?
A Yes.

Q Segregated?
A Right.

Q Did the incident occur on or about the 15th of January?
A  Yes.

Q  Would you describe it then?

A  Well, on that particular date, the 15th, -- well, starting from the 2nd of January, they had started side demonstrations there. I was working with the college students as well as the high school students.

Up to this particular time, my car was being used to transport students to and from the campus downtown to the lunch counter and Woolworth's. This particular evening, one of the students drove my car down to take some students there.

Usually, when I park my car there for any length of time, I lock it. On this particular occasion, the student forgot to lock the car. He took the students down and also entered himself to see what was going on. The first story was related to me by him and the people who came back to the church to tell me what happened.

When the students came out of the store, to get in my car, they opened the door and there was a terrible odor that brought tears to their eyes.

They went running for fresh air. After they got all of the car doors opened and aired the car out -- it was wintertime -- so it eventually got back to me that something happened to my car.

So, I went down to see what was going on. There were quite a few policemen standing around the car as well as
smelling the car.

When I asked what happened most of the people were of the opinion, the students had been of the opinion that someone put a stink bomb in my car.

When I got there, the odor was still quite strong and the policemen there were still looking, saying something was wrong. I went over to one of the policemen and I said: "I believe something has happened to my car."

One of the policemen looked at me and said: "What do you want us to do about it?" I said: "I don't know, but it seemed that somebody has burglarized my car and tampered with it in some manner."

They asked me if I wanted to make a formal complaint. "Yes," I said, "except that somebody has unlawfully entered my car. I would like to know, you were in this area. Did you see anything happen?"

He said: "The only ones I saw in your car, got out of your car with the others."

I talked with him maybe four two or three minutes in some attempt to find out if he had seen anyone around the particular area and tampering with the car.

Then, I got in the car and we were of the opinion that everything was okay. Certain of the odor had gone out of the car and I figured it was pretty safe to get in.
So, I tried to start the car and it wouldn't start. We lifted up the hood and we found out that someone had tampered with the battery under there. They had torn one of the leads, and the car wouldn't start. We had to wait a while for someone to come from the service station to give us some assistance to get the car started.

Once again, I went back to the policeman. There is definitely something wrong. He must have seen something. At this time, the policeman got a little git angry with me. He felt that I was trying to tell him what his job was. Nevertheless, we got the car started. Me and three other students got into the car and started to drive away.

About a block from the store, after we had gone a block or so, I noticed something rather odd about the seat.

At first I thought it was wet. Then, I got a stinging sensation in the seat of my pants. I thought maybe it is cold water or it could be itching powder, something like that.

I became increasingly uneasy. The fellow sitting next to me said: "What is wrong?" I said: "Nothing. I just got a funny feeling about something."

After going three blocks, I immediately stopped and suddenly jumped out. They knew what was going on. They smelled it then. Well, the stinging sensation was in the seat of my pants. It was very bad.

The police were following me all the while. They always
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After going three blocks, I immediately stopped and suddenly jumped out. They knew what was going on. They smelled it then. Well, the stinging sensation was in the seat of my pants. It was very bad.

The police were following me all the while. They always
followed me in Huntsville. Sometimes kept a 24-hour tag on me.

When I jumped out of the car and took off the trench coat I had on, there was a wet spot in back of it. I was really in much pain.

The police drove up and rather humorously asked me: "What is the matter?" I said: "Whatever it was the people put in my car, they put on the seat, is still there. I would like to get to the hospital real quick."

"They said: "We are a police car. This is not an ambulance."

I asked him if he knew where I could find a doctor. He said: "I am afraid not." I asked him where the hospital was and he said: "Some of your friends live here long enough. Why don't you ask him?"

There was another car behind me. I got in the car with them and they took me to a Negro doctor. He was not in. By this time, I was in so much pain and, well, I could not concentrate on anything.

So, we went to another doctor and, of course, he was not in also. By this time, after about 15 to 20 minutes, the pain had gone and I thought it was okay. The students with me insisted that I go to the hospital and get a checkup, but I wanted to go back downtown where the students were and see how everything was going and also to see some of the students home after they left the store.
By this time the news had gotten around the community what had happened, and there was a Negro dentist there and we reported it to him, and by this time -- I had a trench coat and it had a very foul odor and pieces on the tail that I was sitting on and the seat had the odor also, and I smelled it, and he became suspicious, and the first thing he said: "Well, I know it can't be possible but that's smell is just like mustard gas."

When he said that, having heard something about what mustard gas can do, I became a little worried and he said "Well, I'm going to check around with a few of my friends and call up a couple of other physicians" that he knew, and he made about a dozen phone calls.

By this time it was about 1:00 o'clock in the morning, and so I had forgotten all about it, and went home, and he told me just for precautionary measures to rub the area where I had gotten this stuff on me with some alcohol and to let the clothes that I had on air out and he would check with me later.

Well, about 1:00 o'clock in the morning I received a phone call. He told me to get dressed right away, to destroy any piece of clothing that I had touched since this stuff came in contact with me, and he found that it was mustard gas. So he found this out through the chemists at the Red Stone Arsenal, and the other students that were with me had to be rounded up also, and he came out and the military police also came out to escort me back to town to get me to the hospital right away.
When I got to the hospital there were about three or four
doctors waiting for me as well as the military police, and they had quite a few complicated machines and they began to
tell me about the trouble that I was in and shook me up pretty much.

I was immediately given treatment, put in a hospital and by that time the pain came back, and was so severe that I had to be put under sedation while the doctors were making the other examinations and also giving me medical attention.

Q And did you later on go to New York for later treatment
A Well, after that, with regard to the police investigation, the doctors at the Red Stone Arsenal were quite puzzled where this came from, and they told me, of course, that this is not supposed to be --- any of this stuff --- loose, and so they came to the conclusion it was some homemade remedy which they said could even be more powerful because they didn't know how to treat it, and whoever made it, can make it again, so I think he told the story to the local police. They came in and talked with me and they were more interested in where I was from, what I was doing there and how long I had been there other than what had happened to me.

After I was released from the hospital, they came to the conclusion that some of my friends probably did this to me because they knew my car better than anyone else. This developed a controversy around whether that was mustard gas or
whether it was what the State toxicologist called mustard oil. The chemists out at the Arsenal were more convinced that it was mustard gas. However, the State made an investigation and they came up with a different conclusion, and so it was at this time, because of the controversy around us, that the National Office asked me to come to New York for some additional medical attention.

I received this and the doctors in New York said that because of the medication that I had received, the quick medication and the fact that the weather was very cold which, to a great extent nullified, would nullify the effects of that type of chemical, that I was okay.

Q In the Huntsville area had you been engaging in work with the students?
A Yes, that's right.

Q Were you commonly known to many people in the community?
A Many people in the community and -- well, all the policemen and the car I drove was well known because, as I said, they usually followed me, sometimes as much as 24 hours a day actually.

Q In other words, the police were following you most of the time, and did they indicate to you that they had been in the vicinity of your car at the time when whatever it was was put on the seat of the car?
A Yes, and this one policeman told me he was there but he
didn't see anything except my friends getting in the car and getting out of the car.

Q Even though he had been in the vicinity all the time?
A Yes. As a matter of fact, there were several policemen in the vicinity. They always kept a pretty large attachment of policemen on hand.

Q Had many of the students been arrested in Huntsville?
A Quite a few have been arrested.

Q Would you give us a number?
A I couldn't give an accurate number.

Q Approximately?
A I would say, somewhere between 60 and 70.

Q Were some of these people both whites and Negroes?
A They were all Negroes.

Q Can you identify Marshall Kieth?
A Marshall Kieth was a white man who worked at the Red Stone Arsenal and he became --

Q What did he do at the Red Stone Arsenal, do you know?
A I was not certain what his specific job out there was but he was contacted through a friend who worked out there also and was in the movement, and after coming around to some of our meetings for one week he decided that he would join us also, and I understand that a number of other white persons had similar views but were a little bit afraid of what would happen.

I can't remember exactly, it was one week after it happened
to me, which was on the 15th of January. He went down with the students, and I think this was the first time, and I remember after the schools were closed we all talked about had happened that day, and we talked with him also, and we went home, and the next morning it was reported also in the newspaper and by some people in the community that he had been taken from his home and about 2:00 o'clock in the morning at gun point, blindfolded and taken to a remote part of the city, stripped of his clothes and the same chemical that I came in contact was sprayed on him and he was left out there and he made his way back when he found a Negro home, and of course, they saw to it that he got medical attention at the hospital.

The same decision as to how he was doused with this chemical -- well, the police came to the same decision that they came to with regard to my case. They felt that some of the Negroes had done this to Marshall Kieth and some of the Negroes had beaten him up.

Q Where was Kieth's home?
A I don't exactly where. I don't know exactly where he lived. However, it was well -- it was within the white section of town.

Q Was he a Huntsville boy?
A He was a Huntsville boy.

Q Do you know what happened to Kieth?
A Soon after Kieth was released from the hospital I am told by a very close friend of his that he did not have any more contact with us. We could not contact him. As a matter of fact, some of the students sent him flowers and candy and took this to the hospital, and after he was released, but they have no way of contacting him, and when I asked about him his friend told me that he did not want us to contact him. When I asked why, I was told that his grandma had been threatened and that he was getting -- he had resigned his job, he was getting ready to leave town within a week's time.

Q Do you know whether in fact he has since left town?
A He left town. He went to New York. He did not leave any forwarding address with this particular friend, and that was the last we heard from him.

Q You have no way of getting in touch with him?
A We have no way of getting in touch with him.

EXAMINATION BY MR. SHISHKIN:

Q Mr. Thomas, would you tell us, in describing your experience with this mustard oil and mustard gas, at the end of this incident, the police had impounded clothes and car and refused to return that to you?
A Yes. I was told while I was in the hospital that my -- well, they asked me rather if I minded them impounding my car
for the purpose of making further investigation, and I said I didn't. They did this and I was told that the state toxicologist wanted to run some tests on some materials from my seat, from the seat of my car as well as the clothes that I was wearing, and that everything would be returned to me in a matter of days.

Well, after about a week I went down to inquire about my car and I was told by the county solicitor at this particular time that they were not through with the test. So, a few days later, I called and I went down, and we got into a discussion of well, what he called the pros and cons of why I was there and what I was doing and who did this to my particular car. I just told him I was just interested in getting my car back. I was told then that I would have to pay $14 for the towing bill. So I said well, I didn't ask for my car to be towed in. The state asked me if I will let them use my car, and it seems to me the state should pay the bill. We argued about that and he said if I was going to get my car I was going to have to pay $14 to have the car towed in, and I told him specifically that I wasn't going to pay it and I contacted one of the lawyers who had been handling the case and asked him what he could do about it.

At this particular point the county solicitor said "Never mind the towing bill, you have to pay $7 for the
garage fee." I said "What $7 for a garage fee?"

"For keeping the car there" and I still maintained that it wasn't upon my request that the car be impounded, that they put it in a garage. This was all done at the request of the state.

So finally, after talking with the lawyer I was able to get my car and the seat was torn up and I asked him if the state would pay for that and he said no, they wouldn't pay it. He had it done and if I wanted to make a complaint I would make the complaint against him. I was never able to get the seat or the material in the seat replaced. There was considerable damage to the seat and as far as my clothes were concerned, he told me that I could forget about them or they would be in such shape when I got them back that he would doubt that I would want them anyway. It consisted of a trench coat and suit and a pair of shoes, and I never did receive any of this back, and he told me specifically that I won't receive it back.

MR. SHISKIN: You haven't got them back?

THE WITNESS: I never got them back.

MR. RACHLIN: Any further questions, Mr. Thomas?

MR. THOMAS: Of this Mr. Thomas, not that one. Any further questions?

MR. RACHLIN: Thank you, Henry.

MR. THOMAS: I think this is something that ought to
be reported to the liberal senators from Alabama. Huntsville, I think, is one of our centers of culture, anti-communist democracy.

MR. SHISKIN: Marginal democracy.

MR. WATTS: Mr. Thomas and members of the Committee, we have reached the dilemma that we always reach in such hearings of how to fit everyone in that we want to have testify and on the record, particularly, now, because we have to vacate this room for today in a very few minutes.

I would like, with your permission, to read off the list of other witnesses that we had intended to have on this afternoon, to find out whether or not any of them must leave today. If they have to leave today and will not be available tomorrow morning, we will have to put them on just to give a quick summary of what they might testify in greater detail tomorrow if they could stay.

Mr. Thomas Gaither, Mr. Charles McLaurin, Mr. Gerald Johnson.

MR. JOHNSON: I made reservations to leave tonight.

MR. WATTS: All right, we will put you on in just a moment.

Mr. C. D. King. He can stay, and we also are going to have testimony concerning Brenda Travis in
absentia.

Will Mr. Robert Moses be here tomorrow?

MR. MOSES: No.

MR. WATTS: All right, next witness will be

Mr. Gerald Johnson.

GERALD JOHNSON, called as a witness by the

committee, was examined and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Mr. Johnson, I don't mean to rush you, but you are

a student at Talledega College in Talledega, Alabama; is

that right?

A Yes.

Q This is one of the few integrated colleges in the

south; is that right?

A Yes.

Q Are the students active in the civil rights movement

in Talledega?

A Yes.

Q What was the main form that this activity has taken?

A Sit-ins, kneel-ins, and we have negotiated for equal

job opportunity.

Q How many people have been arrested in Talledega?

A Approximately 53.

Q About 50 students?

A Fifty-three.
Q  Fifty-three students?
A  Yes.

Q  And members of the faculty; is that right?
A  Yes.

Q  Is Talledega one of the places where an Alabama court has issued an injunction?
A  Yes.

Q  Are you one of the defendants in this injunction or are you just generally named?
A  Generally named.

Q  You are not named specifically?
A  No, I am not.

Q  Have you also tried to utilize the facilities of the public library?
A  Yes.

Q  This public library is owned by whom?
A  The city.

Q  Just briefly describe the incident involving the use of the public library?

THE WITNESS: Just the public library?

MR. RACHLIN: Yes, at the moment.

A  Well, nothing -- we could never get into the library.

Q  They just wouldn't let you in?
A  They locked the library everytime we came. The first time we came was the date of our first march, which was
April 6th. We had a mass march downtown, and we left the mass march with 12 students, six to picket and six to go in the library, and as we came to the library it was locked.

Q. For how long a period of time did you come to the library?

A. Everyday. Everyday during supposedly library hours until the injunction was passed.

Q. You never could utilize the facilities of this public library?

A. The closest we came was on the second day. As we pulled up a janitor ran inside and locked the door.

Q. Also have there been incidents on tear gas and other kinds of violence in Talledega?

A. Yes, on April 25th students were picketing the Martin chain theater in Talledega and that morning tear gas was thrown and a Negro bystander says that he can identify the policeman that threw the tear gas. The police gave the report that a passing car threw the tear gas with a New Jersey license.

Q. With a New Jersey license?

A. Yes.

Q. Did the police make an effort to chase the New Jersey car?

A. No.

Q. But they say they saw the New Jersey car throw it?
A  Yes.

Q  But made no effort to apprehend it; is that right?
A  Yes. Later on that afternoon, as picketed the movie again, I was leading one end of the line and mustard oil was thrown on me, and I left -- I stayed in the line for about 10 minutes after this oil was thrown on me and then I left. I told my buddy behind me what had happened and I was leaving, and I assumed that they felt that the throwing on my pants took too long to act so the next time they threw it they threw it in his face, and we were both treated at the College infirmary, but were all right though. We got there in time, nothing serious happened.

Q  Gerald, there was also one incident of a student who was pushed through a plate glass window?
A  Yes.

Q  I wonder if you could briefly tell us who that student was and what happened?
A  On April 10th Eddie Wright was observer for one of the groups going to Stone's drug store, and after this group was in the drug store, the way he related it to me was "a white man walked up to me and asked me what the hell was I doing there, and I didn't say anything to him, so he told me to get on." So I stood there and then he left. And he came back later with three more fellows and they
didn't say a word, just jumped on me and started beating me. They pushed me through this plate glass window and I was cut all in the back, and I remained non-violent throughout. The policeman came up and placed me under arrest, and I asked him what were the charges and he said 'inciting a riot and breakering' --

MR. RACHLIN: Breakering?

THE WITNESS: I am quoting.

MR. RACHLIN: I'm sorry, I am assuming too much.

A (Continuing)"'Breakering and entering, breach of the peace and disorderly conduct.' All the charges except inciting to riot were dropped."

Q What happened on that charge, do you know?

A Yes, he was found guilt and fined $1 and cost of court, both of them. The man that was -- arrested him -- oh, something else he said. When the police arrested this man and they put them both up against the car to be searched, the man handed to the policemen a knife. The policeman put the knife in his pocket, searched the man and gave him the knife back.

One other incident of ours that day. Norris Elder, when we walked in to demonstrate, he struck in the throat, in the Adam's apple but one of the white bystanders.

Q Was any arrest made or any complaint?
A  No arrest.

Q  There was an incident in the Methodist Church?
A  Yes, on Easter Sunday morning two other students and myself came into Wesley and Methodist Church and as we entered there was an old usher standing at the door. I was the last person to enter, and as I entered he said --

Q  Are you a Methodist?
A  Am I? Yes, and we went on in, and they were standing up singing, and we stood and sang and then they stood up and sat down again. As they were singing the pastor of the church came around -- oh, before that happened, one of the members of the church walked up to me and told me to pass on, he wanted to see me outside. Well, my instructions once in a church you don't leave, you are dragged out, so I stood there. And he attempted to drag me, but I guess I was as big as he was so he wouldn't try --

MR. BALDWIN: This is the white church?

THE WITNESS: Yes.

A  (Continuing) And then the pastor came up and he gave us a lecture of how he loved Negroes and how he had gone to school with Negroes and how he had nothing against us but he felt that we didn't do to church to worship God but we came over only for our movement, and he would have to ask us to leave, and he asked us
to leave and nobody said anything. So he said "If you won't leave, there are some officers in the back of the church who will move you."

So when the officers came up, the arresting officer, Lt. Morris -- well, everytime I have been arrested he has arrested me, and he came up and he started laughing and he asked me whether I was going to go, and I told him no, "you know me better than that." And he said "let us go then" and we went on to jail, and in our trial the minister testified that he usher --

Q What was this minister's name, by the way?  
A I don't recall. It is listed in the phone book as "--"

MR. RACHLIN: But he sent the pastor there --

(VOICE: His name Vess.)

THE WITNESS: Yes, Richard Vess, and he testified at our trial that the usher asked us to stop and we went on in, and that he was standing there when the usher asked us to stop and he wanted to talk to us, and that he had three members of the congregation that wanted to come in and drag us out but he wouldn't let them come and drag us out, and a whole lot of other stuff. And after we were found guilty and given a sentence of three months and $100
fine, which was the maximum.

MR. THOMAS:  For going to church?

THE WITNESS:  For going to church.

MR. THOMAS:  It is dangerous!

(VOICE:  Tell him what he said about Mr. Vess.)

THE WITNESS:  Oh yes, he said he always, in situations like this, always "ask myself what would Jesus do" and he said "therefore I have contemplated on this for a while and I must ask you to leave".

MR. RACHLIN:  Are there any other questions from the members of the committee?

BY MR. CULBERTSON:

Q I take it that you were born and raised down south same as I; is that correct?

A Yes.

Q And that your parents, if they are living, just worked, ordinary working people?

A Yes.

Q Limited education?

A Yes.

Q And you grew up in that environment and I say that in order to ask this question along the line that I believe you asked the white witness from New York, the honor student there because I think it is a question that ought to
be answered.

A lot of white people in the south are wondering why, after all these years, about a hundred years since the Civil War ended, the southern interests and activities on the part of native-born youth like yourself, and I would like the record to show what makes you get yourself in all this trouble.

A - I'm a person that likes to act and I don't -- I don't like something I like to do something about it, and I have grown up under segregationist rule. I come from a pretty liberal city, Miami, Florida, but I came to school in Alabama, and I didn't like the way things worked, but I felt that what we are doing now at the time I felt was unnecessary. I thought it was foolish. I thought somebody would get badly hurt, but I saw -- at least when I heard people like Bob Zellner, talk about the things that they have been through for people like me for them that was sitting back there was nothing, I couldn't face sitting back doing nothing, and I don't want my children to grow up under something like that.

Q - In other words, you wanted to fight on the home front for some of the liberties and privileges of American citizenship that the Negro soldiers fought overseas to guarantee to the rest of the world?

A - Right.

Q - You wanted to enjoy some of these things yourself and still live in the south?
EXAMINATION BY MR. SHISKIN:

Q. Those events that you have described here, what was the approximate date?

A. The first sit-in was staged on April 9th.

MR. RACHLIN: Of what year, 1962?

THE WITNESS: 1962, when Ed Wright was jumped on and beaten up and tear gas was thrown on April 25th, and a fire extinguisher was thrown on me on April 25th.

On April 26 -- something I left out -- twelve students were arrested picketing a drug store, were arrested for conspiracy to interrupt business, and they are out on $750 bail.

Q. Do you know of a law covering that? Was that charge based on any kind of ordinance?

A. Well, our lawyer investigated the possible charges that we could go to jail for. This charge was not found.

MR. THOMAS: Better look into that. It relates to strikes possibly.

THE WITNESS: And something else. On April 27th Dorothy Field and I held a march of about two hundred and fifty students downtown. When we got to the corner, just leaving the campus, we hadn't walked two yards off the campus, we could see on the next corner the fire truck and police set up there to stop us. We turned and went
down to the next block and proceeded up there. They couldn't get the fire truck, the stuff down in time to get there, but they sent one car to block the intersection and a policeman stopped us.

At this point we told him that we couldn't turn back and we were going on to march downtown, and he told us that we were unlawfully -- not unlawful -- parading without a permit, and he told us that we would have to turn back.

BY MR. SHISKIN:

Q    When did that happen? What was the day of that?

A    April 27th.

Q    This last April?

A    Yes. Our president told the prosecuting attorney that we would go back to the campus if we could finish going around the block and go back to the campus, and the District Attorney said we could do this if this was our last demonstration, so the president said, "Well, they won't move." Then the two policemen and prosecuting attorney went down the line and talked to each demonstrator, saying that they would be arrested and tear gas would be used and the water hoses would be turned on, and even if necessary bullets if they wouldn't go back. Nobody moved.

So they came back up the front of the line where I was and they started pushing us. The police chief gave orders
to move us.

MR. RACHLIN: How many policemen were there?

THE WITNESS: There were approximately forty policemen and they started pushing me, and then they starting pushing Dorothy, started beating us with these clubs, poking us in the back with the clubs, and one young lady was hit on the head and knocked in the ditch. Dorothy was knocked in the ditch and as they pushed us back to the campus -- I was screaming out, pleading with the students not to walk, to make them move us back to the campus.

There was one particular policeman, I don't know his name, but I know his nickname, and I could find out his name. His nickname is Dog Man. As I screamed that out he pushed aside the State Policeman to get to me, and at the end of a club he had a sharp instrument, and he was putting it in my back with all his might and now I have mark. This Lieutenant Morris was trying to push up to the crowd to stop him from beating on my back.

Q Was the president of the college involved?

A Yes, he was beaten himself.

Q What is his name?

A Arthur B. Gray.

Q Is he one of the named defendants in this injunction
proceeding that the State is attempting to get against various people in Tallededa?
A  Yes, he is named as president of the college and as an individual.

MR. RACHLIN: I have no further questions.

MR. BALDWIN: How much integration is there in Tallededa?
A  We have got nothing. We have been promised integration, a committee to go over these things and see what they can do, but we were told to form our committee and we have formed it, and that was approximately a month ago and nothing else has happened since.

MR. BALDWIN: There are no white students?

THE WITNESS: Yes, we have white -- you mean at college?

MR. BALDWIN: Yes.

THE WITNESS: Yes, we have white students.

MR. BALDWIN: How many?

THE WITNESS: I couldn't say. It's approximately five or six out of four hundred.

MR. THOMAS: Token integration.

THE WITNESS: Well, just because they don't come, not because they can't come.

MR. BALDWIN: I know.

MR. RACHLIN: How far was this from the college campus
THE WITNESS: One block.

EXAMINATION BY MR. RACHLIN:

Q    Do you know whether any other policemen besides the one who kept jabbing you hard had a similar instrument?
A    There had to be more than one instrument because approximately eight had cuts in their backs.

Q    Similar to yours, is that the idea?
A    Yes, some even worse than mine.

Q    Were there any particularly vicious beatings in parts of the body that were particularly susceptible to that?
A    Yes, a State Patrolman came up behind us putting the clubs between our legs, swinging upward.

Q    How many people were hurt that way, do you know?
A    None, because we always, after we saw what happened, we screamed out "Walk with your knees together" and all of the clubs were caught in the knee.

Q    Were there any other incidents of violence of this kind involving the police that you have omitted?
A    Not that I recall.

MR. RACHLIN: I have nothing further. Perhaps we can excuse him.

MR. WATTS: Just one more question, Mr. Johnson.

EXAMINATION BY MR. WATTS:

Q    I gather all of this happened last month; is that correct?
A That is correct.

Q Has this all been reported to the F. B. I. and the Department of Justice?

A I know that most of it has been reported but I can't say definitely that all of it has been reported.

Q But the Department of Justice is investigating it, to the best of your knowledge; is that correct?

A On the day that this happened, when we reported this to the Department of Justice, they were supposed to send two investigators. On that same weekend, before we could have any more action, that same weekend we were served with the injunction, and this injunction has killed entirely our movement. We can do nothing as far as action right now, but due to our president's interpretation of the movement, we are doing the things that we could do.

When we got articles to be published, we have to clear them through the president's office. We wrote a letter asking for funds and this letter wasn't cleared, and consequently, we didn't get the funds, and we had to stay in jail five days more than we would have ordinarily had to stay.

Q As far as you know, this injunction does not extend --

MR. RACHLIN: I have a copy of this injunction with me.
MR. WATTS: We will submit this injunction from a Federal Court.

MR. RACHLIN: No, it is a State Court injunction.

MR. WATTS: Thank you, Mr. Johnson.

Mr. Thomas, the time has come. We will have to put over further testimony until tomorrow. We would like to suggest to the Committee that we convene at 9:30 tomorrow morning, which is the earliest we can have room available, rather than 10:00 o'clock, because in addition to this carried-over testimony, we are going to have significant testimony concerning the legal aspects of the problem and other testimony from people who are acting professionally in this field.

MR. JOHNSON: When we were being beaten by these State Patrolmen, they took out their raincoats, they have these big white raincoats, and they covered up their shields so we couldn't get the shield numbers, and they put raincaps over their caps, so it was impossible to get the shield number, and I know for a fact that it is customary for them to put the shield on the outside of the raincoat when it is raining.

MR. RACHLIN: Thank you very much.

MR. THOMAS: Without objection from the Committee, we will meet at 9:30.

(At this point the day session was concluded.)
(Hearing resumed Saturday, May 26th, at 9:30 o'clock A. M., Norman Thomas presiding.)

Members of the Committee: Joseph Rauh, Norman Thomas, J. B. Culbertson, Reverend Gardner Taylor, Boris Shishkin.

MR. RACHLIN: Mr. Chairman, if you are ready, we are ready to start.

MR. THOMAS: The hearing will come to order. We hope later to be joined by the other members. Some members of the panel, it should be noted on the record, that the members of the panel who are not here have all expressed their real regrets and have engagements so that they could not be here. They were all deeply impressed by yesterday's testimony. Who is your first witness?

MR. RACHLIN: Our first witness is Mr. Charles McLaurin. I just wanted to make one brief comment that Mrs. Roosevelt expressed herself yesterday quite properly, being quite concerned with the kind of education the American people would get. I haven't with me all the press stories this morning, but the story in the Washington Post certainly will contribute something in this respect. It was quite a remarkable story.

MR. THOMAS: I liked it very much. I have to add, if it is in order, it is a commendation. The only other
paper which I saw, it also had a good story.

MR. RACLIN: Before we begin with Mr. McLaurin, Mr. McLaurin was one of the witnesses we hoped to finish with yesterday, but the Committee will recall some of the witnesses took a little more time than was anticipated, by the nature of their declarations.

I want to thank Mr. McLaurin for so kindly staying overnight when the original anticipation was that he wouldn't have had to.

MR. RAUH: Is there a sheet on him?

MR. RACLIN: Yes. It is a blue sheet, Mr. Rauh, dated May 25. Do you have it there?

MR. RAUH: Yes, thank you.

CHARLES M. MC LAURIN, called as a witness, by the Committee, was examined and testified as follows:

EXAMINATION BY MR. RACLIN:

Q Mr. McLaurin, where is your home?

A Jackson, Mississippi.

Q Have you lived there all your life?

A Yes.

Q What school have you had?

A Well, I attended high school.

Q Is that --

A I had some high school before I went into the Army.

Then, after returning, I started back.
Q What are you doing right now?
A I was attending school to this year. This term is out. I have been working, I have been participating in the -- the Jackson non-violence movement.

Q How old are you?
A Twenty-one.

Q I wonder if you could, if you recall the Mississippi State Fair last October?
A Yes, I do.

Q Did any part of the community of Jackson decide on any particular action with regard to the State Fair?
A Yes. The NAACP called a boycott of the Mississippi State Fair for Negroes. It came off in a bad way.

Q Where was the State Fair held, in Jackson?
A Yes:

Q This is the State capitol, of course. How many Negroes are there in Jackson, do you know?
A Well, there is about eight thousand.

Q I am sorry.
A About eight thousand.

Q Out of a population of how many, one hundred and fifty thousand?
A About one hundred and fifty thousand.

Q Now, I am going to ask you to direct your particular attention to October 16, 1961 with regard to this Fair. Were
you at the Fair that day? Were you with the group at the Fair that day?

A Yes. Two other members of the Jackson non-violent movement and myself went down to see if the boycott would come off as it was scheduled. While there we noticed that some people had gathered in front of the ticket booth to buy tickets for the Fair.

Q Was there one ticket booth for whites and Negroes?

A This white fair had ended a week before.

Q Explain that too. I would like to put that on the record. There were two separate fairs, is that what it was?

A Yes.

Q How did that work out?

A The first five days is for whites. Then, after the white fair is over, they hold a fair there for three days for the Negroes.

Q What would happen if a Negro would appear during the first five days?

A Unless he was looking for any employment, he would be turned down. He could not go in.

Q He could not? They wouldn't permit him into the Fair?

A No.

Q Who runs this Fair? Is it a private company that runs it or the State of Mississippi, or who?

A I think the State sponsors the Fair.
Q  The State sponsors the Fair but if a Negro presented himself the first five days, he could not enter, could not even buy a ticket?

A  No.

MR. THOMAS:  May I ask, are the Negroes allowed to exhibit in the first five days? The state fairs that I am used to, they have a lot of exhibitors and prize winners.

Can a Negro girl bake something and exhibit that during the first five days?

MR. CULBERTSON:  No, she can't, in South Carolina.

Q  Is it the same in Jackson as Mr. Culberton has spoken of in South Carolina?

A  I think there are Negro exhibits in the Fair but these exhibits are partial.

Q  Are there special exhibits?

MR. CULBERTSON:  I would like to get that clear. As far as South Carolina, we have a comparable situation there and no Negro farmers exhibit.

MR. RACHLIN:  A Negro housewife cannot show off her canned goods?

MR. CULBERTSON:  Oh, no, she can't show off anything to exhibit her ability.

Q  Do many Negroes work at the Fair during the first
part of the time?
A Yes. Most of the labor is done by the Negroes.
Q Well, now, the Fair changes after the first five
days and Negroes can go in, is that right?
A Yes.
Q How different is the Fair for the second three
days than it is for the first five? Does it become
smaller or larger? Do all the same exhibits that are shown
in the first five days shown in the second three?
A No. Say, most of the minstrel shows and the shows where
there is white people performing -- well, they don't allow
Negroes to see these. They close most of the things where
there are ladies participating.
Q You mean dancing girls?
A Yes.
Q Let us see what else you mean.
A Yes. Well, things they figure the Negroes wouldn't be
interested in.
Q Negroes aren't interested in dancing girls?
A They should not be.
Q What are some of the other things that are missing
in the second half?
A The best of the exhibits are taken down, and a lot of
rides.
Q Children's rides, you mean, things like that?
A  Yes.
Q  Merry-go-rounds?
A  They have a regular merry-go-round, but the smaller things, they take them down. They feel these people wouldn't be interested in it. They just have something that makes a lot of noise and would attract people.
Q  That is what attracts Negroes, a lot of noise? How about an exhibit like pickled meats and things like that? Are they carried over the second week?
A  Negroes are allowed to exhibit their own.

MR. THOMAS: That is what I was going to ask. Negroes exhibit their own as part of the show. Do they get prizes?

THE WITNESS: Yes.
Q  Are they given by the State of Mississippi?
A  Yes, I think so.

MR. CULBERTSON: No, they are not given by the State. Prizes are given by individual sponsors.

MR. THOMAS: There is no competition? For instance, if you win the first prize in the White Fair for canned tomatoes, you can't get the first prize at the Colored Fair for canned tomatoes?

MR. CULBERTSON: No, it is not the way it is done.
Q  Is the second half smaller as compared to the first fair?
A Yes.

Q Now, let us get back to the 16th of October. Tell us what you did on the 16th of October.

A Well, two other members of the Jackson Non-Violent Movement and myself went down to the fairground to watch. We fell behind, taken along with other people. While there, we felt that some of the people had assembled in front of the ticket booth to buy tickets to go into the Fair.

They were operating three ticket booths and there were three of us. Each of us went up to the booth and asked the people if they knew about the boycott.

Q You were asking the people who were about to buy tickets?

A Yes. The booth had not opened yet. Some said they didn't and stepped out of line. Others just ignored us. When the ticket booth opened, they came to buy a ticket. So, we stood there behind the booth and still talked to the people as they came up and asked them if they wanted to continue to pay for second best, would they continue to pay for segregation.

Some stepped out of the line to allow the students that were going to buy -- would get out of line and would help us along. So we stood there about fifteen to twenty minutes before we were noticed.

Q What happened after about fifteen or twenty minutes?
A Well, one of the operators of the gate noticed us and went to get the police.

Q He went to call the police?

A Yes. They were right out in front of us.

Q How long thereafter did the police arrive?

A About three to four minutes.

Q How many police arrived?

A In front there were four. It was a very short time when we were surrounded by maybe a quarter.

Q The fourteen of you were surrounded?

A There were only three of us.

Q At this time there were only three?

A Yes.

Q Did the police speak to you?

A Yes. They came up and asked us what we were doing. We told them we were asking people to stay away from the Fair.

They asked us why. We told them we were not going to the Fair this year. The Fair was over. It was over last week. They told us to leave.

Q Then, did you leave?

A Yes. They began to waive their night sticks at us. They were all crowding around us. We couldn't know which way to go. So, one of the officers, Lenny Wilson --

Q Is he a State policeman or Jackson City Police?
A City Police, walked up to one of the other fellows, Warren Brown and he told him to move on. Another behind him grabbed him by his shirt and told him he was under arrest. He carried him off to the waiting paddy wagon behind the Fair. Charles Cox and myself were left.

Q How old is Charles Cox?

A Eighteen. So the police told him to move on and he began moving the group and he was using vulgar language.

Q Who is he? Let us get it straight?

A The police. All of them were shouting and waving sticks at us to fight us. He told me to move on beside the vans and as I was moving to the side of the vans I could see them taking Charles Cox to the paddy wagon.

A group of students had gathered in front of the Fair and were making loud noises. So the police began to walk out and wave the sticks and run them back. So, I walked out beside the vans. We were about maybe fifteen to twenty students. We were standing there and we began to sing.

Q What did you sing?

A We sang "We shall not forget." The officer ran out and grabbed me by my shoulder and by my shirt and told me I was under arrest and led me off to the gate. Just as I was going to the gate, two other policemen were standing there with police dogs. Another one was being taken out of the car.

Q Another police dog?
A Yes. As I was put in the paddy wagon, I could see people running, fleeing. They were going over the hill and the police were after them with the dogs.

Q There were three dogs at this point; is that right?

A Yes.

Q Go ahead.

A Later on, I learned that one of the dogs had gotten loose and bit a policeman that had him, who was holding him, and had also attacked a man.

Q Attacked a man?

A Yes.

Q Who was the man? Was he participating in this activity at all?

A No. He was there maybe to go to the Fair, to watch the Fair.

Q So there was some man who had nothing to do with the activity at all who was also bitten; is that right?

A Yes.

Q As well as a policeman?

A Right.

Q Was anyone else bitten?

A No. I don't know.

MR. THOMAS: The dog had a better sense of justice than some men.

Q You were taken away in the paddy wagon?
A Yes.

Q I am sorry. Go ahead.

A We remained in the paddy wagon for about forty-five minutes. There was another demonstration. The NAACP had scheduled pickets. They had really got there, the police, to get these people. So, we waited for forty-five to fifty minutes before the four students of Southern Christian College.

When they arrived, they were carrying big signs and the police took the signs from the before they could see them.

Q Did you see this happen?

A I saw them coming up from a window in the paddy wagon, and only what they told us afterward.

Q How did you know that the signs were taken away even before they could begin their demonstration?

A It was brought out in court.

Q You heard this in court?

A Yes.

Q How many were arrested all told at that time?

A Seven.

Q Seven people?

A With us.

Q Including you?

A Yes.
Q. You then were taken to the City Jail at Jackson?

A. Right.

Q. What were you charged with?

A. Well, at that time, they didn't tell us the charge. It was understood it was breach of the peace, but when we went to court, we found out we were charged with obstructing pedestrian traffic.

Q. Did you have a trial?

A. Yes, we had a trial.

Q. A trial before Judge Spencer, was it?

A. Right.

MR. RACHLIN: Just for the record, Judge Spencer is a Judge in the first instance, the first trial of all the Freedom Riders, to the best of my knowledge. Is that right, Tom?

MR. TOM GAITHER: Right.

Q. Were you acquitted?

A. No, we were found guilty and fined five hundred dollars and six months in jail.

Q. Five hundred dollars and six months in jail?

MR. CULBERTSON: Six months in jail, on a chain gang?

Q. Charles, did you hear Mr. Culbertson?

A. There was a paper they gave us that explained and said six months in jail.
MR. CULBERTSON: Do they have a chain gang?
A: Yes, they have a chain gang at the City Jail. Out in the County Workfarm.

Q: How long did you stay in jail at that time?
A: We remained in jail three days in the City and two days in the County.

Q: Were you bonded out at that point?
A: Yes, we were bonded.

Q: Is your case on appeal now?
A: Yes.

Q: Has the appeal been heard yet?
A: No.

Q: This appeal will be heard in the County Court; is that right?
A: Yes.

Q: When is your case coming up for trial?
A: No idea.

Q: You are out on five hundred dollars bail, is that so?
A: Yes.

Q: Now, from your understanding and knowledge, Charles, are police dogs in Jackson used on other occasions besides this particular one?
A: Yes. The dogs are used against students who had assembled around the Court building about five or six months earlier.
At the City Jail and Municipal Library, the dogs were used to break up the people peaceably assembled on the sidewalk.

Q Is that in front of the Municipal Library?
A And in the Courthouse.

Q During the sit-in at the library, were dogs used at that time?
A No, dogs weren't being brought out. They were held. They weren't used against the students there. They were just holding them and you were taking part in the demonstration.

On other occasions when the dogs were used, was in most of the Negro neighborhoods. The police would come around and question students concerning other persons they are looking for. They use the dog to frighten them into giving answers.

The dogs really are used to frighten the Negroes. They are taken to jail and frightened by the dogs. They are frightened into giving answers and giving some information.

MR. RACHLIN: I have no further questions.

MR. THOMAS: Any questions?

MR. CULBERTSON: I don't want to monopolize it. I want to ask questions that occur to me here about the Fair, particularly about the gate. You didn't testify about this. I assume that the gatekeeper is a white keeper; is that correct?
THE WITNESS: Yes.

MR. CULBERTSON: In other words, this is a Negro fair but the gatekeepers that put out the tickets, they are all white people?

THE WITNESS: All white.

MR. CULBERTSON: And the people that sell are white?

THE WITNESS: Right.

MR. CULBERTSON: In other words, the Negro, all he has the privilege of paying is to pay to go to a segregated fair and all the money is handled by the white people.

THE WITNESS: Right.

MR. CULBERTSON: Inside of the fair, do you have segregated private facilities and eating facilities?

THE WITNESS: At this time there is no one there but mostly Negroes, but in places they figure may be used, you see the signs "White" and "Negro," places that are over there permanently.

MR. CULBERTSON: In other words, even at the Negro fair you don't use white toilet facilities, even though only Negroes go?

THE WITNESS: No.

MR. CULBERTSON: Do the Negroes have a voice in running the fair?

THE WITNESS: Well, they are given jobs to wait on
the people. Other than that, no.

MR. CULBERTSON: Even when you buy hot dogs, hamburgers, Coca-Cola and ice cream, do you buy it from white people?

THE WITNESS: The Negro will wait on you but most of the time there is a white person running the cash register.

MR. CULBERTSON: In other words, wherever money is involved, the handling of money, white people are in charge?

THE WITNESS: Right.

MR. CULBERTSON: When awarding prizes there for the best exhibits, do they have Negro judges or white judges?

THE WITNESS: They have a few Negroes who are considered being pretty good Negroes. They will have two or three ladies judging. But there are always present a white person to say the last word.

MR. CULBERTSON: In other words, a white person has veto power as to who gets the prize?

THE WITNESS: Yes.

MR. THOMAS: These Negroes you speak of don't serve in the white part of the fair?

THE WITNESS: No.

MR. CULBERTSON: Were you beaten at any time?

THE WITNESS: No. They didn't beat me or any of
us. They just used obscene language.

MR. THOMAS: Would you say it was any worse than identical police language in Jackson, Mississippi?

THE WITNESS: No, it wasn't worse.

MR. CULBERTSON: I am curious to know about these dogs too. Did they ever turn these dogs loose on white people?

THE WITNESS: I have never known of a case where they have.

MR. CULBERTSON: But they do use them to intimidate and frighten the Negroes?

MR. THOMAS: Would they use dogs with an escapee and if that lead dog was familiar with the smell of his clothes? Would they use a dog to run down some escapee if he was white?

THE WITNESS: Yes, I think they would use a dog. Maybe they wouldn't allow the dog to attack the person. They would use him more --

MR. THOMAS: To track.

THE WITNESS: To track.

MR. CULBERTSON: They use bloodhounds for tracking, but these were German Police Dogs you mentioned.

THE WITNESS: Right.

MR. CULBERTSON: These dogs are not used to smell clothes but to attack Negroes.
THE WITNESS: I know the dogs will track down anything. What they were trained for.

MR. RAUH: Mr. McLaurin, did you personally see the dog bite anyone?

THE WITNESS: No, I have not.

MR. RAUH: How do you know that he did? Did someone who saw it expressly tell you?

THE WITNESS: Well, the newspapers had this article about it and, the persons that were bitten by the dog. I didn't see it. The people in the neighborhood. It was all around town. It is a small town.

MR. RAUH: This statement that the police will say: I will put the dog on you if you don't listen to me, was that done to you?

THE WITNESS: No, it wasn't done to me.

MR. RAUH: Again, how do you have the opinion or information that it was done?

THE WITNESS: I was there at the time the students, they come to school and would say that they dog had been there -- I never seen them actually attack in this way but these are statements that others have given. I feel like they have, because they just do anything.

MR. RAUH: Have you personally seen any of these police dogs get excited when they see a Negro? Did you ever see a dog get violent because he saw you?
THE WITNESS: Yes. I was standing on the corner waiting to cross a street and the dog would come back and he would jump.

There was an occasion where they were holding a dance in the Negro area and all six of the dogs were brought out at night.

This particular night, a bunch of Negroes had gathered around outside the dance and the dogs were brought all over Main Street in front of this place. We were outside in the street and the dog would jump at us.

MR. RAUH: Who would restrain the dog on that occasion?

THE WITNESS: The police had him on a leash.

MR. RAUH: Was that a white dance, an all-white dance?

THE WITNESS: No, this was an all-Negro dance.

MR. RAUH: Why did they have dogs out that night? Why did they have them at an all-Negro dance?

THE WITNESS: They brought them out to run the people, Negroes away from the dance. That is all I can see. They had six of them there.

In this case, there was a lot of commotion outside so they had the dogs. Nobody knows.

MR. RAUH: Do you happen to know how long they have
been using dogs in this way?

THE WITNESS: Oh, well, they have used them ever since they have had them. I think they have had them now over a year.

MR. RAUH: This has occurred in the last year? It is not a long time, perhaps, Mr. McLaurin, that Jackson police used police dogs?

THE WITNESS: No.

MR. RAUH: It has obviously been correctly related to keeping Negroes in their place.

THE WITNESS: I think the dogs were mostly brought in because of the sit-in demonstrations and other things that have taken place.

MR. RAUH: Long after the sit-ins started did the dogs come into Jackson?

THE WITNESS: Immediately after the first demonstration. At the Municipal Library, they had had dogs, maybe three or four weeks.

MR. THOMAS: Any further questions?

MR. CULBERTSON: I have been to Jackson but I am under the impression there are more than a thousand Negroes.

THE WITNESS: That is possible. I am not sure.

MR. RACBIN: My understanding is there are two thousand Negro voters in Jackson, so that would be an extraordinary high percentage. We have Tom Gaither who
knows the Jackson situation. Mr. Gaither, how many Negroes in Jackson?

MR. GAITHER: Forty-seven thousand.

MR. RACHLIN: Am I right, two thousand Negro voters?

MR. GAITHER: Five thousand in the whole county.

MR. RACHLIN: I thought in the whole county it was two thousand. I was so told by William Higgs. I have no further questions.

MR. THOMAS: I wonder if the use of dogs is connected with the promulgation by Senator Harry Byrd and others of this book by an alleged Yankee named Putnam to show the essential inferiority of Negroes who perhaps are therefore subject to what wouldn't be ordinary procedure. This book has been widely circulated by a Committee headed by Byrd. I got it with the senator's own card and I think it is worth noting in this connection that there is obviously an organized and well financed effort to circulate this book which alleges permanent inferiority of Negroes, and it is attributed to a Yankee named Putnam. I think it ought to be noted that this is going on and it is directed by one of the most powerful senators in Washington, they gave his name as chairman of the Committee.

MR. WATTS: Mr. Thomas and members of the Committee, as we indicated yesterday, we had hoped to have the testimony of Brenda Travis here today, but as we told
you, Miss Travis, who is seventeen years old, is on probation from a reform school because of her activities, and in terms of her probation forbid her to have any contact with CORE or with any of CORE's friends; she has scrupulously abided by the conditions of her probation and we want that very clearly in the record.

However, her story is important and we have asked Robert Zelder, who is not as beautiful as Miss Travis, to set forth her story.

JOHN ROBERT ZELDER, was put on the stand and testified further as follows:

EXAMINATION BY MR. WATTS:

Q Mr. Zelder, you have testified on your own behalf yesterday, and I suggest that you just go through in your own way with what happened to Brenda Travis, who she is, what she did and what happened to her.

A All right, thank you.

I would like to preface my remarks about Brenda with a small incident that happened in Talledega recently. The attorney mentioned that she had about as scrupulously with regard to her parole, but I must point out that the fact that this is having on her as a person, as a personality. Brenda is a very dynamic person, a person with great courage and great determination. When she got to Talledega, the students there were in the process of demonstrations, and on several
occasions when I talked to her, she had tears in her eyes when she told me that "The arm of Mississippi reaches all the way to Talledega College in Alabama, and prohibits me from doing what I think I should be doing and what I wish to be doing." So, this points out something of the quality of this young lady from Mississippi.

Briefly, I would like to point out the instances leading up to her incarceration in reform school in Oakley, Mississippi. She was arrested on August 30, 1961 with two other friends at the McComb bus station. They had purchased tickets to a town in Louisiana, Kentwood, which would make them officially interstate passengers on the Greyhound bus.

She was arrested there and charged with disturbing the peace, convicted in the Adult Court Pike County and sentenced to six months in jail and filed $200, put on a bond of $1,000. I must point out that she was treated as an adult person and not as a child.

She stayed in jail some days before bond was raised. I don't remember exactly how many. It is listed here in the testimony, but she did spend the month of September in the jail.

In early October, October 4th to be exact, she went back to her school, the Bergland High School in McComb and asked to be reinstated. The principal stated that he had misplaced her records, he sent them off somewhere and had forgotten
where they were and that she wouldn't be able to get back in at that point.

The rumor, of course, had already gone down from the Board of Education, the County Board of Education that she would not be allowed to return to school along with Ike Lewis, another of the demonstrators.

When this occurred about one hundred and fifteen students walked out of the school in protest. They came to the Masonic Temple there in McComb where many staff members of the Students Non-Violent Coordinating Committee were conducting workshops and volunteer registration. They indicated to the staff people there who they had been working with in the voter registration campaign that they wanted to protest this injustice to Brenda. Also, another point that they wanted to protest, and one thing that had fired them up enormously was the brutal and unjust killing of Herbert Lee in Liberty. This and the refusal at school to admit Brenda and Ike, plus the general situation of segregation in McComb, these students determined to walk in an orderly fashion to Magnolia, Mississippi. They determined before they ever left the Masonic Temple.

Magnolia is about eight miles from McComb where the march originated, the County Courthouse. They were going to have a quiet prayer on the steps. The marchers left the Masonic Temple, walked through McComb past the City Hall and out towards Magnolia. By this time it was very late in the
afternoon. We hadn't gotten off as early as we should have, and I say "We," I did join them in the march and did observe what occurred there.

So, on the way out to Magnolia, just as we got to the edge of town, the decision was made to return to the Masonic Temple and not to continue to Magnolia.

Coming back into McComb, walking by the City Hall again, the march was stopped by a large mob of men. There were about eighteen or twenty white men standing across the sidewalk shoulder to shoulder with two policemen in front. Of course, by this time the march had come through McComb with the signs protesting Brenda and Ike's expulsion and Herbert Lee's death and segregation, and so when the march returned and there was a large mob waiting.

It stopped the march. The march could not continue, so one of the brave young students at the front of the line stood up on the bottom step of the Courthouse and began to pray. A policeman came over and dragged him into the City Hall. Another student stood up and began to pray, another policeman took him into the City Hall. This occurred about eight times, eight individuals, individual students, stood up and were arrested.

Then, apparently the order was given for the whole column to move inside the City Hall, and we were all placed under arrest.
One thing that probably should be stated. One interesting thing as far as police brutality and negligence, I was the only white person in the march and there were fourteen or fifteen police standing around me and they allowed seven or eight men to attack me, to scratch — one man scratched me at my eyes like an animal. They knocked me down, down the steps. The police chief was holding my arm all the time except when he knocked me down. I was removed from him due to students Robert Moses and Chuck McDew. They were away from me and the mob of whites took him away and beat them with blackjacks and they took us all in and arrested us, so everyone under eighteen years of age except Brenda was released on parole to their parents. Brenda was put in jail with the rest of us.

In September -- I've forgotten what date it was -- but she was in jail about three or four days and then, by this time, the County prosecutor, Joe Piga and the judge, Judge Simmons had gotten together and decided that she should be this time treated as a juvenile and incarcerated in the reform school.

They took her out of her cell and told her that they were going to take her to see a lawyer. So two plainclothes policemen put her in a car and drove her to Jackson, some eighty miles away, some eighty-five or ninety miles away. They drove to the Oakley Training School. Brenda didn't know where she was
going or what this place was.

One of them got out and went inside and spoke for a few minutes with some of the people there. Then he came back and told Brenda "There is somebody in there that wants to talk to you." She didn't know who it was. She went inside and a lady asked her to take a seat and she sat down.

A policeman left and went back out to the car and then the car drove off and she asked the lady "Why are they leaving?" She said "Well, you have been admitted here," and she said "What is it?" and the lady that explained to her that she was in the Reform School.

MR. WATTS: Mr. Zellner, may I interrupt at this point. Was there any hearing before a Juvenile Court or juvenile authorities at which Brenda was present before she was admitted to the Reform School?

THE WITNESS: To the best of my knowledge there was absolutely no hearing.

I think the lawyer, her parents and no one was informed if she was transferred to the Training School. Her mother didn't find out until about a week later, I think.

MR. WATTS: Go ahead. In the course of your discussion I hope that you will set forth a bit of the conditions in the Training School.

THE WITNESS: Yes, I would like to.
I had the opportunity to talk with Brenda quite a bit in Talledega, when she got to Talledega, and she had described to me very graphically the situation there.

The one thing that seemed to upset her more than anything else was the fact that she was not allowed to continue her education. The training school there had education facilities to carry the students through the ninth grade. Brenda was ready for the tenth grade so there was no class for her. I think some of the students in the school they allowed to go to a regular public school during the day. They would not allow Brenda to do this. They said she was a trouble-maker, number one enemy of the State of Mississippi and so forth, and she would not be allowed to. She only attended one class in home economics.

Her time weighed very heavily on her hands, and especially when she was hungry for knowledge and did want to continue her education. The superintendent there, Mr. Ireland, used a method of corporal punishment. He used a fan belt that was cut, a fan belt to whip the girls with when they dis obeyed or when they made some minor infraction of the rules.

BY MR. WATTS:

Q Mr. Zellner, do you know the average age of these
girls in the Reform School?

A  No, I wouldn't have any way of knowing the average age. Some of them, I think, are as old as twenty or twenty-one.

Q  Would it be a fair assumption that there were all or that the majority, the vast majority of them were teenage girls?

A  Yes, I would assume this. This was the impression that I got from Brenda.

Well, the general inconveniences of not being at liberty, your hours and so forth are dictated to you, when you do such and such and you do other things. The food was very terrible with bugs and other foreign objects and that is the only thing I can think of now about the general conditions of the jail, but it was very degrading there, anyway.

EXAMINATION BY MR. CULBERTSON:

Q  Is the jail operated by white people?

A  No, the jail -- the superintendent there is a Negro man.

Q  And he is the one that would give corporal punish-

ment with the fan belt?

A  Yes.

Q  There were all Negro girls there, no boys?

A  Yes.  This is the Oakley Training School for Colored Girls.

Q  The Negro man who is the superintendent, does he have any white people working under him?
A: I don't know about that. I assume that most of the
matrons and so forth are Negro as well.

If you like, I would like to briefly go on to describe
the difficulties in getting Brenda released.

MR. WATTS: Yes, I would like you to say that.

THE WITNESS: All right.

First of all now, I don’t know how legally admissible
this evidence is, but we have every reason to believe
that the prosecuting attorney in Pike County was the one
who was really responsible for Brenda being incarcerated.
In fact, he compelled the judge to incarcerate her in the
Reform School, and he refused, with the power of a judge,
refused to allow him to consider her release. The
negotiations for her release had to go first to the prose-
cuting attorney and get his okay and then inform the
judge that the prosecuting attorney had okayed negotiations
for her release and then it was carried on that way.

Professor Eihman who teaches German at Talledega
College, he had been in the United States only about seven
or eight years coming from Germany, having been through
the War there, working underground, as an anti-Nazi,
and he was tremendously concerned when he first heard the
story of Brenda Travis, a sixteen-year-old girl at that
time incarcerated in Mississippi as a political prisoner,
and he determined at that time, at that point, to do what
he could to get her released. He said "I'm going to Mississippi and talk to the judge and I'm going to Mississippi and talk to the prosecuting attorney."

People said "Well, everything is being done about it that it is possible to do. You have to do this legally. No good possibly can come to talking to these people."

He said, "I'm going anyway." He got in the car and drove down, talked to Jack Young who was the lawyer, Brenda's lawyer in Jackson, drove on down to McComb, spoke to the judge. He didn't get to see the judge personally. He talked to him by phone. Then he went back -- the first trip -- I'm sorry -- he did not go down to McComb. He called to try to see if he could see the judge. He couldn't.

He talked to him by phone. Then he gave Jack Young some suggestions as how to approach the lawyer -- and the prosecuting attorney and the judge. He left a letter. Jack Young forwarded the suggestions to the prosecuting attorney and the judge and they wrote that with a little encouragement that maybe we can talk this thing out.

So Professor Einsman went down again about three or four weeks after that, and this time he went to McComb, spoke to the judge for about three, four hours, and at
that time they drew up the papers for her release. Professor Einsman typed them while the judge dictated them and he went back to Jackson and picked Brenda up and took her to Talledega College where she is living now with the Einsman family.

BY MR. WATTS:

Q Mr. Zellner, you at the very beginning indicated the effect of this prohibition upon Miss Travis emotionally, and in the course of your testimony you have indicated the effect upon her scholastic development by her incarceration. Do you have anything further to add on either of those aspects?

A Excuse me through the negotiations of Professor Einsman, she has been able to attend some classes at Talledega at a high school nearby. I don't remember the high school. She was not admitted as a regular student and he has been, in his spare time, tutoring her in the things that she has missed and trying to bring her back up to the level where she should be, and she is very eager to learn and studies hard most of the time.

Q I believe you stated this but we want to be sure, is it correct as indicated on our summary that she remained in the Oakley Training School for six months and three weeks?

A Yes, I think that is correct. She went to jail in Magnolia in early October and was transferred to Oakley in that
month and -- let's see -- I think it was last month that she was released.

Q. In the custody of Doctor Einsman?

A. Yes.

MR. WATTS: Does the Committee have any questions to ask about Miss Travis?

MR. CULBERTSON: I would like to ask this question because I am very much concerned about two of the facets of this testimony and one is the method of taking a minor like this and incarcerating her just by some verbal order.

I would like to know whether this witness could tell us if the judge who ordered over here or the District Attorney, if there was every any kind of Court Order that was signed committing her to this institution.

THE WITNESS: Well, I have no direct knowledge. I assume that this is completely in the hands of the judge himself. He is the individual that makes the decision and I think it was simply a matter of him declaring her a delinquent and signing her to the Oakley Training School signing of the papers.

MR. CULBERTSON: The reason I am interested in this is if this girl was put in this institution without any Court Order, certainly her civil rights have been violated and, without any warrant or procedure, I think it is very
important.

MR. WATTS: Mr. Culbertson, we know, of course, Mr. Zellner is not a lawyer and the counsel for this Commission conceives that we do not know the answer to this, but we will investigate it because there is a possibility that under Mississippi law, the transfer was in accordance with the law, but we will investigate the possibility that you suggest and we will incorporate it in our report. If there is a possibility of taking legal action to remove her from this situation I am sure CORE will do it.

MR. CULBERTSON: Was this young lady beaten, disciplined with a strap while she was at the Oakley Training School?

THE WITNESS: I can't say with certainty that she was, but I think she was.

BY MR. CULBERTSON:

Q By the Negro superintendent?

A Yes.

MR. THOMAS: You wouldn't call him an Uncle Tom, would you?

THE WITNESS: I don't know. This is a hard thing to define.

MR. THOMAS: Tough on Uncle Tom.

MR. RAUH: I was going to say that.
THE WITNESS: There is another thing along that line, when Professor Einsman first went to him on the first trip, he went to Ireland and Ireland refused to see him, and Herman is quite aggressive and he went over to his house anyway and the man said, "Well, you can stay ten minutes. I'm very busy" and he got there about 8:30 or 9:00 o'clock and they talked till about one o'clock in the morning and if he wanted to see Brenda -- Ireland refused him permission to see her. The next day Ireland took him over there and gave him the free run of the place, so it just took a little convincing.

MR. WATTS: It sounds like Doctor Einsman is a very convincing person.

THE WITNESS: Very persuasive.

BY MR. RAUH:

Q Mr. Zellner, how do you know this story? Was this told to you by Brenda or did you participate in it?

A Well, I participated in various phases of it.

Q I think it would be helpful if we could know how much of this you know of your own knowledge, I think it would strengthen our ability to utilize it.

A All right. I am charged in Pike County with having contributed to her delinquency, actually I would like to say that actually she contributed to my delinquency because I was down at a meeting there and they decided to march and so I was
caught up in it and I marched along too and I was there during the march, during the morning that she went to the school and she got the refusal, all during that afternoon when she marched and we were arrested. Then I was in jail there for several days, and while she was -- during the time she was taken to Oakley Training School, I have been in McComb many times since then to talk to people who know about the case. I have been in Jackson quite a bit, and then, of course, I was in Talledega during the negotiations for her release. On the second trip down when she was released I went with Einsman to Jackson and to McComb. I didn't return with him but I went down when I went to get her and, of course, I was living in the Einsman home during these times, and very close to him and, of course, with the SNIC office and we coordinated some of it to the office for her release and so forth.

Q Do you have any information or did you give us that yesterday? If so, I apologize for the duplication, on the question of the dogs; do you have anything to corroborate the previous witness on the idea that the dogs are there to repress Negroes? Can you give us anything on that?

MR. WATTS: Mr. Zellner, in answering that question, will you state insofar as you know what action the Mississippi Legislature has taken in authorizing the use of dogs?

A Yes, in the last session of the Mississippi Legislature, it is my impression for what I have read in news reports -- I
have talked to people closely connected with it, that the Mississippi Legislature has passed legislation enabling every city and every town in Mississippi, enabling them to buy and train Police Dogs. This was admitted sort of offhandedly. That is, that this was a racial matter, it was passed along with a dozen or more, maybe thirteen or fourteen Nazi laws in Mississippi, and so I think it is definitely the result of the sit-in movement and the mass movement in Mississippi. It is a move to discourage mass participation.

BY MR. RAUH:

Q Do you agree with these witnesses that the dogs first appeared shortly after the sit-ins?

A Yes, this is my impression.

MR. THOMAS: That law was only passed last year?

THE WITNESS: This law was passed in the last session of the Legislature.

MR. WATTS: That was this year, 1962.

BY MR. RAUH:

Q In other words, if the law was necessary, they have the dogs legally before that?

A Well, I think the legislation was a financial move enabling communities to afford the dogs.

Q This wasn't authorizing them to do it, this was paying for them to do it?

A Yes.
MR. THOMAS: I think that Senator Goldwater should be informed because this represents a certain concentration from the County level where all is left to a State level.

Q Can I ask whether you of your own knowledge know whether any other states are using dogs at this time?
A Yes, Alabama is using dogs. I have been to several meetings where they had more dogs around there than policemen.

Q Do you know whether Louisiana is using them?
A Not to my personal knowledge. I have heard, of course, the reports that dogs are being used in Baton Rouge. This is in Louisiana. So, I assume that they are being used.

If I may --

MR. RAUH: Go ahead, what were you going to say?
A One more thing. It is mentioned in the testimony, and I think it should be inserted in the record, another evidence of police tactics.

A busload of people, friends of Brenda's, from McComb, endeavored to visit her shortly after she got to the Reform School. One of the citizens of McComb had a new bus that they had bought and was using in the area. The bus was loaded with students and in a happy mood to visit Brenda, and the word got out that they were coming to visit her.

When they got into Jackson or actually on the way to
Jackson, they were picked up, tailed by highway patrolmen. When they got to Jackson they were tailed by the City police. When they got near the school, right out in front of the school, they had cars lined up there and with State Patrolmen, dogs, tear gas, billysticks, they ordered the bus to turn around and return to McComb. "You can't use this road, you can't visit the school."

Some of the drivers, people, got out to find out what was wrong and the police came up with the dogs, right up to them. "You want me to put this dog on you? If you don't get back in the car --"

The man who ran the bus -- I think he told me three days ago that he had paid about $5,500 for this bus. It is sitting now behind his service station in McComb. He is unable to get a license. They revoked his license. They won't give him a license.

The people in McComb -- it has become a real symbol to them of the pettiness of the police in Mississippi. Every summer they go down to the beach in large groups in this bus for parties. This summer they can't do it and it has been quite poignant, the reaction to the police tactics. This bus is just sitting there.

BY MR. RAUH:

Q Did you see the dogs at this time with this bus incident?
A. No, I was not present there.

Q. Did one or more of the people in the bus tell you about this themselves?

A. Yes, there were some field secretaries of the students Non-Violent Coordinating Committee there, and many other people I have talked to since then.

MR. WATTS: Thank you, Mr. Zellner.

We again state that his report of Brenda Travis is without authorization.

MR. RACHLIN: At this time we have the honor to present a distinguished attorney from Albany, Georgia, who has been active in many activities in this area, some of which have reached the public press, and I would like to present Mr. C. D. King.

THE WITNESS: C. B. King took the stand and testified as follows:

EXAMINATION BY MR. RACHLIN:

Q. Mr. King, before you begin your statement, I wonder if you could tell us a little bit about your background. How long have you been an attorney and so forth?

A. I think even more essential than that, Mr. Rachlin, for the record, I might indicate that the name is C. B. King.

MR. RACHLIN: I apologize, forgive me.

A. I have been a practicing attorney approximately seven years. You are interested perhaps in where my work was done?
MR. RACHLIN: Yes.

A (Continuing) I was awarded the Baccalaureate Degree at Fisk University and the LLB Degree at Western Reserve University.

Q How long have you been practicing in Albany, Georgia?

A I was going to say that.

MR. RACHLIN: I am sorry.

A Upon graduating from Western Reserve University Law School I was admitted to the Bar and this was, of course, as an insurance measure in the event that my primary application, that is, to go back home to Albany, Georgia, to practice law, was in any frustrated.

I was successful in becoming a Member of the Georgia Bar and have been practicing in Albany for approximately seven years.

Q You have been active in the de-segregation movement in Albany. I wish you would tell us a little bit of how this movement grew up and then draw your attention particularly to the mass arrests some months ago and the part that you played in it and what you observed at that time.

A I think that this would occasion my going back then to a discordant note in the community with reference to the conditions at the voting places and the voting lists.

The voting places in Albany were segregated and the voting
lists were separated based on race. A segment of the Negro citizenry was sufficiently aroused to come to me and inquire as to whether there was any legal relief that could perhaps be gained in this particular regard. We ultimately filed suit in Federal Court, asking for a restraining order or an injunction against the City of Albany, the Board of City Commissioners, the County Registrars, the Democratic Executive of Dougherty County and the appropriate party defendants generally. As perhaps some of you know we were successful in this regard and I feel personally gratified that the attorney used this as a precedent in a case recently filed in Macon, Georgia where the discriminatory practices were comparable as had previously existed in Albany was brought.

Subsequent to this order certain representatives of the Students Non-Violent Coordinating Committee came to the City of Albany and it seems that these young people represented a symbol on which the total discordant notes in the Negro community could be merged. Out of this grew what is now the Albany Movement, out of this came, rather dramatic direct action, demonstrations. The multiple arrests that I am sure you are aware of, the cumulative number, that is, between December 10, 1961 and December 18th, came to approximately seven hundred and fifty. Leading up to these mass demonstrations I might go back here to indicate that student elements, that is both at the college, which is Albany State College, a wing of the university
system of Georgia, a Negro wing of the university system of Georgia, and high school students from the common schools of Dougherty County decided to test the ICC ruling on or about November 22, 1961.

They went into the bus terminal. Three of them were actually successful in purchasing tickets in what was theretofore designated as a white waiting room and did succeed in going into what was theretofore designated as the white restaurant, but it seems that this stretched the patience of the Chief of Police a bit to the extent that he could not allow them to go through with this proposed matter of getting food there.

Later that day two other college students, Bertha Goldberg and Branton Hall made an effort to go in what was designated theretofore as a white waiting room and were immediately arrested after they indicated that they were not leaving by simply ignoring the request of the officers that they leave.

These cases were tried. These students were charged with disorderly conduct and, interestingly enough, the record reflects that the total regard of such disorderliness was, as is reflected by the record, as their mere presence, the mere presence of these students, as Negroes caused, or occasioned the disorderliness of which the Police Department was sufficiently disturbed to bring charges of disorderly conduct.
These cases are on appeal by way of petition for writs of certiorari, and we do hope that the final adjudication of these --

Q Just to interrupt for a second, this petition for certiorari, to what court is that?
A This is the Court of General Jurisdiction of the State of Georgia, which would be the Superior Court.

It is highly problematical as to whether we will gain the relief sought there. The next step would be to appeal to the Supreme Court of the State of Georgia.

Q The reason I interrupted you, Mr. King, because the other Mr. King reminded me that CORE has filed a petition of certiorari to the United States Supreme Court on precisely this issue at the Shreveport bus station where the judge made no bones of the fact and it is so stated in the record, which I have seen myself, that whenever a Negro enters a white waiting room this automatically becomes disorderly conduct, and we have made a point of this in our petition for certiorary to the United States Supreme Court.

MR. THOMAS: Is this a Federal judge?

MR. RACHLIN: This was a State judge in Shreveport.

Thank you, Mr. King. Sorry for the interruption.

A (Continuing) Subsequent to the arrests of these five students, and the trial of their cases, there was a decision apparently made by a group of students of Atlanta, Georgia,
to further test the policy of a trunk line, I assume that would be designated as the Atlantic Coast Line. This is a train company that runs through Albany, Georgia.

These students came into Albany on or about December 10th, as I recall it. There were approximately ten; is that right?

MR. ZELLNER: 11 people, ten were the demonstrators.

(Continuing) They came into the train terminal and it appears that the Chief of Police, more specifically, Chief Larry Preacher, had been made aware of this effort to test the policy of the train company to see whether it was operating pursuant to the dictates of the ICC regulation.

They were met by the Chief of Police and an entourage of assorted officers, state and local, it appears, and arrests were made of this bi-racial or pro-racial group of students, who did come into the City.

This, I think, represents the springboard which rather catapulted the mass or triggered the mass demonstrations that were highly publicized coming out of Albany, Georgia.

These students were arrested. They did commence their trials. In response to this you have demonstrations occurring right and left, that is to say, more specifically on the 12th which was the time designated for the trial of the so-called Freedom Riders, December 13th, December 16th. That was the last of the large demonstrations. This particular
demonstration was led by Reverend King.

There may be some interesting aspects coming out of the attempted trial of the 10 -- or -- 10, I believe of the Freedom Riders who came down on the Atlantic Coastline.

One of these, Per Larsen was to be tried on the first day. It occurs to me that out of the frustration of that trial the judge made an announcement in open court that he would, if the City Attorney made application, would issue straight warrants against all of the Freedom Riders, which then would mean that they would be tried in a state court.

Counsel requested to know from the court whether the City charges or the City infractions were therefore dismissed, and, of course, he indicated that these cases were simply continuing.

At the risk of overburdening you with specifics, I might simply say that subsequent to this time there have been sporadic arrests, there have been sporadic demonstrations running anywhere from four in number to as high as 29 or 50.

On of the situations that I would like to comment on in this regard regarding demonstrations that took place subsequent to the December demonstrations is the courtroom setting.

We found that Charles Sherrod, who happens to be identified with Snic and Charlie Jones, who is already identified with Snic, were seated in the restaurant of this same bus station that I have referred to in another regard, and
were arrested by a police officer. They charged Charlie Sherrod and Charlie Jones with loitering, idling and loafing in the bus station.

The case came on to be heard. The case was called and the attorney for the City, as it appeared, had not been made aware of the facts in the case before he came to court that particular morning.

He, that is, the City Attorney, the judge, the Chief of Police and Mr. Riley Hammon, who ran the restaurant in the bus station, collaborated a moment. It happened that counsel was standing sufficiently close to have overheard the City attorney saying that these charges wouldn't stand up, but "We have got to charge those niggers with something."

Counsel immediately wanted a definitive statement on the part of the court as to whether it could countenance this kind of conversation coming from an officer of the court, and, of course, instead of counsel exercising what he considered to be his prerogative to be insulted at this juncture, it appears that the court and the other officers who were in conference were very indignant. I had no business overhearing or listening to the conversation that was going on.

There are other instances in the trials of these cases whereby the officer has considerable difficulty in pronouncing the word "Negro" and my hat is off to you, Mr. Culbertson, I believe it is, as a Southerner. I know that
I don't have the same difficulty as reflected by many of the officers of the Court of Albany.

MR. CULBERTSON: I learned that one from one of your men from Georgia who said that you give it the Spanish pronunciation rather than the French.

THE WITNESS: I think perhaps that this is enough. There is quite a bit of -- quite a number of experiences that I had which may be of interest to you.

Q Mr. King, I wonder if I may interrupt you and ask you to start to mention an incident in court, another incident involving the same two men plus Robert Zellner and Thomas Hayden.

A Yes, I was going to indicate that. I was going on to this immediately, and this would be it.

MR. RACHLIN: Because unfortunately, despite the great interest of your story, we have obligations to close the hearing.

A What I would like to do, in the interest of maybe considering time, since I have this proclivity or inclination to wander--

MR. RACHLIN: You have the same disease that all of us attorneys have.

THE WITNESS: Well, I am in good company.

MR. THOMAS: I have heard wonders less interesting from attorneys.

MR. RACHLIN: Don't look at me when you say that.

MR. THOMAS: You are high in my estimation.
THE WITNESS: I would like to, and I have the typewritten statements of these persons that were involved, and I think that it will represent a crystallization of this matter, and if you will indulge my reading it into the record.

This was a trial that was scheduled March 26th.

MR. WATTS: Mr. Chairman and members of the committee, our next witness is Mr. Louis Lusky.

As chairman, I would like to give you a little of Mr. Lusky's distinguished background. He is presently practicing law in Louisville, Kentucky, and he has been and continues to be one of the founding members and leading spirits in the Kentucky Civil Liberties Union Board.

He graduated first in his class, incidentally, from Columbia Law School. He was law clerk to Mr. Justice Stone, and in the course of his work with Mr. Justice Stone, the lawyers here will recognize that in the opinion of Mr. Justice Stone in the Carolina Products Company case, there was a very famous foot note that had a tremendous impact upon the subsequent direction of the court in suggesting that the Bill of Rights had occupied a superior position in the hierarchy of Constitutional rights.

This footnote was severely criticized by Mr. Justice Frankfurter who suggested that he did not believe that the
Constitution should be changed by a footnote.

It has been repeatedly rumored that this footnote is the product of Mr. Lusky's pen. He has participated in several other notable decisions that have some relationship to the questions we have before us today.

He was the counsel on appeal in the original Karl Bradin case in which Tennessee charged Karl Bradin with sedition.

MR. CULBERTSON: Kentucky.

MR. WATTS: Kentucky, with sedition, because Mr. Bradin, a white man, was instrumental in selling a house in a so-called white community, to a Negro.

More recently, Mr. Lusky and I raised this because the Kentucky Sedition Law has a close parallel to the Louisiana Criminal Anarchy Law. Essentially, the issue is the same.

More recently, Mr. Lusky, on behalf of the Kentucky Civil Liberties Union, took the case of Sam Thompson, who was convicted repeatedly in the police courts of Louisville for disorderly conduct, loitering, et cetera, directly from the police court of Louisville to the United States Supreme Court, because the smallness of the repeated fines imposed upon Sam Thompson, a Negro, precluded the taking of an appeal through the highest courts of Kentucky.

This case, as far as we know, is the first case where the United States Supreme Court ruled, reversed the conviction because there was no evidence, evidence to support a conviction,
because in the original process of appeal the case got up to
the Supreme Court through intermediate courts and the issues
are legal, not factual.

Now, Mr. Lusky has also many other qualifications.
During the war, he was with the Air Force and afterward with
the military government in Germany, and as I have indicated,
he is now in private practice in law in Louisville.

I believe that the committee will recognize that he
is qualified.

LOUIS LUSKY, called as a witness by the Committee,
was examined and testified as follows:

Q Will you now go ahead, Mr. Lusky?

A I might just say one thing, Mr. Watts, as far as rumors
about the Carolina Products' footnote is concerned, at the
time that footnote was written, Mr. Rowe, a member of the Com-
mittee, was law clerk to Mr. Justice Cardozo.

We used to have lunch with him frequently. I think
he might remember something about his own now as to the origin
of the footnote.

MR. RAUH: I was going to add, Mr. Lusky, it is no
longer a rumor and under the authority and discretion of
Justice Stone, that probably the most significant piece
of legal writing of that time is that footnote, and that
Mr. Lusky is in fact the author of that footnote.

MR. THOMAS: I will never doubt the power of footnotes
again.

Q Mr. Lusky, will you speak into the microphone loudly so the reporters and our guests may hear you.

Mr. Lusky, we would like you first to state briefly what you know factually about the problem of obtaining bonds, specifically in Louisiana and Mississippi.

Before you do that, because we are going to introduce further material from Mr. Lusky in the form of letters, Mr. Lusky early in his career, after he got out of law school, was associated with a law firm in New York. The Clark is Grenville Clark, who was the initiator of the Bill of Rights Committee of the American Bar Association, in that this committee grew out of the speech that Mr. Clark made suggesting that the defense of the bill of rights was the responsibility of the Bar Association, and not merely the responsibility of the Communist lawyers.

Mr. Clark was chairman of this committee and gave it its initial impetus and it was during Mr. Clark's chairmanship with Mr. Lusky's help that the Bill of Rights Committee of the American Bar Association filed some significant briefs in the court. I regret to say that they have not in recent years voted such briefs.

Mr. Lusky in the last few years has been working very closely with Mr. Grenville Clark and has been practically his alter ego in consideration of the problems growing out of these cases in the South.
However, he brings to us a factual situation of his experience and he is going to present some of the legal problems and some possible legal solutions to them.

Mr. Lusky, will you state in your own words, the factual situation that you found in your investigation of the bond situation?

A I should explain that my job last summer was not primarily to advise on the facts or the events nor, to anticipate Mr. Rowe’s question, was based very largely on reliable hearsay.

Perhaps I should explain that early last June I was hired by Mr. Clark or retained on what he called a watching brief, to go down and sit in on Federal Court proceedings in Alabama and Mississippi that related to the Freedom Riders, for the purpose of making reports to him on the proceedings down there, both on the legal and factual side.

The reason for his interest being that he was a member of the National Committee of CORE and the Advisory Committee of ACLU.

MR. WATTS: Advisory Committee of CORE.

A He was being consulted on earlier matters and could not get a clear enough picture of what was going on down there from the newspaper reports.

So, he hired a reputable lawyer to go down to work as a reporter and lawyer. And that is what I did.

On the bond situation, you all have heard a lot of
testimony about the bond requirements in Louisiana -- there
may have been some about the Jackson situation.

But fundamentally, what happens that in the Jackson
situation which I am most familiar with, is that when a Freedom
Rider goes into the "Growing waiting room," he is put on the
charge of breach of peace, or conspiring to cause breach of
peace.

It may not be the exact technical words, but that is
the meaning of it. He is tried very quickly in the police
court, convicted, and if he takes an appeal, as most of them
do, is released on $500 bond.

The appeal is to the county court of Hinds County,
where there is either a De Novo or starting from scratch before
a jury, first there being charges before the police court.

In the jury trial, if he is convicted, as all of
them were, when Mr. Rachlin succeeded in getting a number of
protestant ministers and rabbis acquitted.

MR. RACHLIN: Just 15 Episcopalian, that I wouldn't
be so sure of using the term Protestant, so let us be
careful.

A He succeeded, with conviction possible. There is no use
projecting what you don't know.

Up until then, I think about 150 have been tried in
Hinds County Court. If there is a conviction, the bond require-
ment goes up to $1500, of which $500 incidentally is cost bond
and $1,000 an appearance bond to guarantee the appearance of
the defendants after the end of the case and after the end of
the appeal.

The making of the cost bond, as I understand it, is
conditioned on the making of an appeal. If you don't make cost
bond, you can't make the appeal unless you make a pauper's
appeal, which many of these people can't, can't honestly make.

This bond presumably will hold through the further
proceedings if they are taken in the Mississippi Court. If
there is an appeal to the circuit court as this corresponds
to a supreme court there, and finally, if Federal questions
are involved, there is a further appeal to the United States
Supreme Court.

It has proved completely impossible to make these
bonds in the ordinary way. As you doubtless know, the normal
way of making a bond is to go into a bondsman's office or get
a corporate or surety company, but not post cash.

As a matter of fact, in some places it is not per-
mitted to post cash. In Mississippi, it is possible. It has
been impossible to get in any individual bondsman to make the
$500 bonds in the police court or the $1500 bonds in the County
Court.

As a consequence -- it has also been impossible to
get any corporate surety license in Mississippi to arrange
such events. That gave me difficulties in one case I will
tell you about if you want to take it.

But letters have been written by Mr. Jack Young, one of the attorneys for the people to one of these corporate surety licensees to write appeals in Mississippi asking them to write these bonds and in every case, he has either received a rejection or has been ignored. The significance of this is that it has been necessary, in order to avoid a default in the taking of the appeal, has been necessary to come up with $1,500 in cash in each one of these cases that have been taken up. This appeal -- as far as it needs to go, which, as I have said, may be the United States Supreme Court.

The significance, incidentally, of not making bond is this: In every case, the $500 was put up in the police card so the $500 is there that we might have this in the County Court. That $500 could be used to cover the cost which is necessary for a further appeal to the Circuit Court.

Unless an additional $1,000 is produced, the defendant would have to remain in jail until the end of the case and that could be a matter of years.

There are questions of details, we know. It is impossible to get quick transcripts that are necessary to appeal. I don't know how long it took to get the first one. I think it was a matter of six months.

MR. RACHLIN: It was more than that.
A. As I said, I don't know how long it took to get the first one. I think it was a matter of six months.

MR. RACHLIN: It was more than that.

A. As I said, there are two further state courts you have to go through before you get to the Supreme Court of the United States, because the Supreme Court of the United States requires that it will only hear a State case after final judgment has been entered.

There is always the possibility that there will be a reversal somewhere along the line in the State Court system, with a remand for a new trial and it starts all over again. Without exaggeration, these cases could last maybe five, six or seven years before they go through the original appeal processes in order to get to the Supreme Court.

What that means is once the thousand-dollar appeal bond and appearance bond is made in the County Court after a conviction there, the defendant, instead of serving four months that he is normally sentenced to in the County Court, might actually serve a number of years as a price of getting an adjudication of his case. This, of course, is a very heavy burden.

It is only one of them, incidentally. I mean, obviously it is necessary to have lawyers at each stage of this proceeding, and I am very sensitive on the subject of lawyers'
I assure you that even if lawyers handle these cases on an absolutely minimum basis, we will have to allow something for their time. When you multiply this by two hundred and seventy-nine, which is, I think, the number of cases that have been appealed -- not all of them are still pending because a few have dropped out, a very small number of them I think -- or have defaulted on their appearances in the County Court.

There are still, I believe, two hundred cases or more that are alive. If you multiply these by the amount of lawyers' time involved, even on a minimum basis, it is very great. I mean the expense is very great whether the defendant pays or somebody else pays it. Somebody has to pay it.

I think Mr. Rachlin told you that on the appeal they were taking in one of these cases now, the transcript has been prepared but he has not been able to pick it up because he needs twelve hundred bucks to pay the stenographers and because the stenographers do not come cheap either.

Incidentally, it has been computed, and this is rather carefully computed, the total bond requirement in the Jackson cases in the affidavit filed in the Supreme Court last December, come to $372,000.

It goes up, of course, and we think it is about fifty -- it would be five hundred times two hundred and seventy-nine, what-
ever that figures up to. I think $100,000 was put up in the beginning in the Appeals Court. It goes up at the rate of $1,000 a case as the conviction comes through in the County Court.

Now, this created a very serious problem from the viewpoint of the defendants, their representatives and organizations. In order to make clear the nature of the problem, let me point this thing out. In a case like Mr. Moore testified to, where he is facing a ten-year prison term, it is a relatively simple matter. You know you got to defend the case. There is no choice. You have no settlement possibility. It is a tough case and I don't know at this time whether it is worth taking up an appeal.

In this case, the way the thing goes is in the Appeals Court, the typical sentences have been a $200 fine and a suspended two-month jail sentence.

When you appeal to the County Court, the typical sentence is four months to serve in jail and a $200 fine.

Now, the Court down there has made it plain that any defendant that prefers to drop his appeal in the County Court, which he can do by a plea of Nolo Contendre -- no contest -- will get a four-month jail sentence and serve, or will get a four-month suspended sentence.

This is equivalent to no sentence and these people are
people who are getting a break on their appeal in Mississippi. If you are lucky you are now paying back their measly $200 fine that has to be paid, and can very easily be taken out of the $500 already paid.

There is really an inducement. There is an avenue made available to them to drop their appeals.

And actually, if they do it, although they have to pay a $200 fine, and Court costs, the actual net result is that something over $200 comes back from the initial bond money.

This makes it entirely understandable, but unless these people can be guaranteed that bond money will be available to them, the pressure is almost irresistible to drop their appeals. This has actually been done in fact.

Last September, I think it was, CORE, which has been handling cases down there, partly exhausted its money-raising abilities and it made this known to the defendants and a number of them at that point, people I think who were to be tried at the October term of Court which began on October 9th, they decided that they could not be bonded out, at any time in the known future. They would plead Nolo. Actually, at that term of Court, forty of the forty-eight people scheduled for trial, did plead Nolo.

That was the only method that they had open. The reason is, that efforts were made as soon as this situation became
known, efforts were made to raise the necessary money. This was not contributions, you understand. They are loans of money for indefinite future until the cases are over.

But a number of people were induced to put up substantial amounts and until now, I think we have gotten assistance which has been possible to cover all the bonding required.

Actually, if you want to know, the initial step in this direction was taken on October 6 by Grenville Clark. On that day he was out at the Somerset Club in Boston and I reported to him what I had discovered about this situation just a week or two before, down in Jackson.

He was outraged about it. As a matter of fact, as a lawyer he felt that this was more of a disgrace to the courts than the prosecutions themselves.

He thought it would be a very bad thing indeed if any of these cases should be dropped for lack of bond money. At that time, he called up Jack Greenberg, General Counsel for the NAACP, which assumed the burden of these cases as of the beginning of November term, I think, and told him that he would make $20,000 of his own money available, without prejudice to the possible application for more. At the moment, he has not put up more than $20,000.

On that same day, he had his broker in New York send a check for $10,000 to Mr. Greenberg's office. The hope was that
at that time that the availability of this money could be made known to the defendants at the October term, so that these four or so people decided to plead Nolo but changed their minds if they wanted to.

    MR. RACHLIN: In fact, we had quite a scramble about that trying to get them to withdraw their plea of Nolo which wasn't possible.

A You see, a lawyer can't do it on his own. It would be unethical, without a defendant's consent who said he wanted to plead Nolo to settle his case.

    It would be unethical to disregard this decision.

Those people who were scattered over the country could not be found. Since that time, the money has been made available and I know at least three other people whose names I am not at liberty to disclose, simply because they haven't had a chance to give their permission as I have gotten Mr. Clark's permission -- they each put up $10,000.

    MR. WATTS: Mr. Lusky, we are, with your permission, going to introduce into the record copies of the various letter-reports you have made to Mr. Clark. At this point I want to introduce the October 11, 1961 and October 26, 1961 letters which have to do with the problem of bonds.

    We would, however, like you to give a summary of the problems and experiences of bonding because only one was
found who was willing to write the bonds. Here are
the letters as follows:

LOUIS LUSKY

Attorney at Law

Hoffman Building

Louisville 2, Ky.

October 11, 1961.

Grenville Clark, Esq.

c/o Mr. John Tracy,

Highgate Springs, Vermont.

Dear Mr. Clark:

Monday afternoon, October 9, I met Mr. Jack
Greenberg (Successor to Thurgood Marshall as General
Counsel of the N.A.A.C.P., Legal Defense and Educational
Fund, herein called simply "The NAACP") at his New York
office. We discussed the Jackson, Mississippi, bail
bond problem among other things. The NAACP has been
asked by CORE to take over the Freedom Rider appeals
now pending in Mississippi (about 257 as of October 4)
and will probably do so soon. At that time, the NAACP
will either have to find a very large amount of money
for cash bail or locate a surety company which is able
and willing to write the appeal bonds. The latter
alternative is obviously the better one.
I told Mr. Greenberg I was planning to go to the head office of Resolute Insurance Company in Hartford, Connecticut the next day, to try and verify the information which I had received from Mr. Jack Young in Jackson on September 24 (See Page four of my October 4 letter to you.) He said that if I was going to Hartford he would much appreciate my inquiring most carefully as to whether Resolute had been subjected to any official pressure by the Mississippi authorities. He said that, in approaching another surety company, he would very much like to be able to tell them beforehand what official difficulties, if any, might be expected in Mississippi, so as to minimize the danger of another last-minute withdrawal with consequent waste of time and effort. He pointed out that if there was official pressure on Resolute any new company could expect to encounter the same thing; whereas if Resolute's decision was based solely on its own appraisal of the public reaction, another company whose own particular type of business was not heavily dependant upon general public approval (unlike Resolute, whose business consists mainly of automobile insurance) might well appraise the business consequences differently. He therefore authorized and requested me to make the inquiry on behalf of his office.
Tuesday morning I drove to Hartford, arriving at 11:00 A. M. and had a two-hour conference at Resolute's head office with Mr. E. J. Scribner (President); Mr. John C. Blackall (Resident Counsel); and Mr. Louis Armao (Vice President). At the beginning they were slightly on the defensive, but when they understood why it was important for NAACP to get the information they became quite cordial and exerted themselves to help unravel the facts (some of which, developed, had been unknown to them.) Mr. Scribner made two long-distance calls, graciously declining my offer to pay for them, and allowed me to talk to Mr. Leick (referred to in my October 4th letter as "Mr. Like") so that I could question him myself.

Assuming that Mr. Scribner, Mr. Blackall and Mr. Armao have been candid with me, and I believe they have been, the following facts can be regarded as established:

1) Early in September, Resolute having been asked to write the appeal bonds, preparations were made by Mr. Charles R. Leick of Akron (Resolute's bail bond manager for the whole country who was in Jackson at the time) and by Resolute's Mississippi bail bond representative who office is in Meridian. Mr. Leick and the Meridian agent worked with Mr. Jack Young, local defense counsel, in drafting the bond for presentation to the Court.
They had no contact with Resolute's special agent in Jackson, Mr. Charles Brady, who is concerned primarily with automobile insurance, this constituting the main business of Resolute (which has only recently entered the bail bond business.)

(2) A proposed bond was shown to the County Court Judge at about 11:00 A. M. one morning. At about the same time Mr. Brady, having been informed by someone not connected with Resolute that Resolute was about to write the Freedom Rider bonds, phoned Mr. Armao in Hartford and stated his own opinion that it would be bad business to write any Freedom Rider bonds -- that such action would cripple his efforts to sell Resolute's automobile insurance locally. He stated this only as his personal opinion and made no mention of official pressure.

(3) Mr. Armao reported Mr. Brady's views to Mr. Scribner. Mr. Scribner had had a meeting with Resolute's officers who were at the Hartford office, and including Mr. Louis Morgenstern, Chairman of the Board. Everyone present opposed the writing of the bonds except Mr. Scribner who favored it.

(4) Mr. Scribner then phoned Mr. Leick in Jackson and, having ascertained that no Freedom Rider bond had yet been made by Resolute, directed Mr. Leick not to write
such bonds. He presumably told Mr. Leick that the company's decision had been based upon Mr. Brady's recommendations and the matter had been considered at a "High level meeting" -- meaning, of course, the company meeting referred to above -- but made no reference to any official pressure.

(5) Mr. Leick was furious. He phoned Mr. Brady and had an angry conversation with him which ended when he asked Mr. Brady when Mississippi was going to join the United States and Mr. Brady hung up the phone on him.

(6) Mr. Leick also phoned Mr. Young and told him of the company's decision. I asked Mr. Leick whether he had said anything to Mr. Young to the effect that the company's decision had resulted from official pressure, and he could not recall having made such a statement. Mr. Scribner said, however, that he thinks it entirely possible that Mr. Leick did tell Mr. Young this -- either in order to cover his own embarrassment about the situation, or because he had misunderstood Mr. Scribner's reference to a "High level conference" as meaning a conference of the State officials, or because he might have simply conjectured that official pressure had been exerted. (I spoke to Mr. Young this morning and he reaffirmed, in no uncertain terms, that Mr. Leick had said the decision resulted
from a high level conference of State officials which had included the Governor.)

I pointed out to Mr. Scribner that, though Mr. Brady had not so informed Mr. Armao, his call might have been prompted by official pressure, in which event he might have conveyed this information to Mr. Leick in the course of their angry conversation without the Hartford people knowing anything about it. I therefore requested Mr. Scribner to telephone Mr. Brady and ask him (a) how he knew that Resolute was about to write the bond (since Mr. Leick and the Meridian agent had theretofore had no contact with him); and (b) whether his phone call to Mr. Armao had been preceded by any contact with any Mississippi officials relative to the bonds. Mr. Scribner said that he would not ask the second of these questions because it might put Mr. Brady on the spot with the Mississippi officials. I then suggested that he ask Mr. Brady, in general terms, whether he had any reason to believe that another company writing Freedom Rider bonds would incur any official disapproval. Mr. Scribner agreed to propound this question. He tried to phone Mr. Brady but was unable to reach him before I left at 2:00 P. M. for New York and Louisville.

This morning Mr. Scribner phoned me in Louisville to
say he had reached Mr. Brady, who had said (a) that he learned of Resolute's intentions to write the bond quite accidently, from a friend who had happened to learn about it and (b) that he had had no contact whatever with any Mississippi officials in connection with the proposed bond. (Note that he did actually answer the more specific question which Mr. Scribner had said he didn't want to ask him, of that which is yes, that Mr. Brady was telling the truth; if he had wanted to lie it would have been easy for him simply to give his general opinion that no other company would have trouble with the officials.)

The facts thus shape as follows: (a) It cannot be said with certainty that official pressure of some sort was not brought to bear on Mr. Brady. Mr. Young said that his conversation with the Judge about the bond was not in open court, and he doesn't see how anyone could have heard about it except through the Judge or the Insurance Commissioner, whom the Judge had said he would get in touch with in order to verify Resolute's authority to write the bond. (b) On the other hand the information I have thus far obtained does not warrant a confident assertion that official pressure was exerted. Assuming (as is probably the case) that Mr. Leick did tell Mr. Young that Resolute's decision had resulted from official
pressure, this statement may well have resulted from embarrassment, or may have been based on conjecture or on a mistake by Mr. Leick as to the nature of the "High level meeting" which Mr. Scribner had told him about.

In my telephone conversation with Mr. Scribner this morning I thanked him for his helping me to develop the facts and said I would do all I could do to prevent any misunderstanding on the part of CORE or NAACP. I pointed out that the official pressure version had had some currency before yesterday -- which he already knew about -- but said I would get in touch with CORE and NAACP at once and let them know the facts set forth above.

As you know, a mimeographed September 25 memorandum from Mr. James Farmer, National Director of CORE, to CORE Group Leaders and the CORE National Advisory Committee, said:

"Because of the exorbitant bonds being set after the appeal trials, we began negotiations with a bonding company in Mississippi for their services. They made the initial contacts and stated that they were willing to accept the account for a ten per cent fee plus one-third collateral. This was acceptable to us, and we so
advised them. The bonding company then informed our attorney that the Mississippi officials had told them if they wrote bonds for even one Freedom rider, their license would be revoked."

After talking to Mr. Scribner this morning, I immediately phoned Mr. Young in Jackson; Mr. Carl Rachlin, General Counsel for CORE, in New York; and Mr. Greenberg (who was in Greensboro, North Carolina), and related to them the substance of this letter. (As confirmation I am sending copies to their respective offices.)

I also told them that I had suggested to Mr. Scribner -- who seemed rather rueful in having to pass up a good piece of business -- that it might be possible to find a small surety company such as little Southern business and would therefore not worry greatly about official disapproval or adverse public reaction. He was good enough to give me the names of the following companies:

Central Casualty Company of Chicago
208 South LaSalle Street,
Chicago 4, Illinois.
United Bond Insurance Company,
830 East 38th Street,
Indianapolis, Indiana.
I pointed out to Mr. Scribner the possibility that, if such a company could be found to write the bonds, resolute might still be able to obtain a substantial participation in the business on a silent partner basis; and in view of the trouble that they had already taken, and their courtesies to me, I was sure NAACP would be glad to give them the opportunity to work such an arrangement if he could find an appropriate company. Mr. Scribner expressed neither disapproval or approval of this idea but said that if, after consultation with his associates, he thought anything of this sort was feasible, he would get in touch with me.

After our conference I took Mr. Scribner, Mr. Blackall and Mr. Armao to lunch; and in the course of our conversation Mr. Blackall made a suggestion which might be worth following up. Mr. Blackall, a former Connecticut Insurance Commissioner, is acquainted with a Mr. Gaffney, formerly Insurance Commissioner of Maryland and now Executive Secretary of the Surety Association of America. He said that Mr. Gaffney and his association might well take an interest in the Freedom Rider bond problem because, in a sense, the situation reflects inability on the part of the surety bond "profession" to meet an implied public obligation to service all acceptable risks. As Mr. Armao put it, people have a right to expect that corporate bail
bonds will be available to them if they are not bad risks, and the companies as a group ought to be concerned about any large scale failure to satisfy their need. (From a long range view point, the companies might also be concerned at the possibility that, if bonds are not generally available when needed, the rather antequated bond requirements of the several states -- which produce a great deal of rich business for bondsmen and corporate sureties -- might be relaxed and modernized, to the great loss of the companies)

As a possible convenience I am enclosing an entire carbon copy of this letter and I am also sending another carbon to Dublin.

Sincerely,

Louis Lusky

LL:pa

cc:  Jack Greenberg
     Carl Rachlin
     Jack H. Young

Enclosure"

LOUIS LUSKY

Attorney at Law

Hoffman Building

Louisville 2, Ky.
NEW ADDRESS:
503 Columbia Building
October 26, 1961
Greenville Clark, Esq.
Dublin, New Hampshire
Dear Mr. Clark:

In our telephone conversation last evening you asked me for a short up-to-date report on the Freedom Rider bail bond situation. This morning I phoned Tom Gaither of CORE to get the mine of statistics, and phoned Jack Greenberg of NAACP Legal Defense and Educational Fund, Inc. herein, for brevity, called "NAACP") to ascertain the status of efforts to find a willing corporate surety or dispense with the need for one. Here are the facts as of today, according to them.

Between 350 and 320 Freedom Riders have been prosecuted and convicted in the Police Court (sometimes called the Municipal Court of Jackson, Mississippi. Of these, 279 appealed their convictions to County Court for trial De Novo; the others did not appeal and their time for appeal has expired.

Of the 279 cases appealed to County Court, 189 are not yet disposed of. These 189 include two in which the defendants are out of the country and have failed to appear for their County Court trials, but in which bond forfeitures have not yet been adjudged; five which are set for trial at
the current (October) term of Court; and 182 which are set for trial thereafter (including five originally set for earlier trial and subsequently rescheduled). Ninety cases have been disposed of in County Court. In two of these cases the appeals were dismissed on motion of the defendants, and the Police Court sentences were complied with. In 48, nolo contendere pleas have been accepted, and fines and suspended jail sentences imposed. In two, the defendants upon conviction were sentenced to fines only, or fines and suspended jail sentences, and paid the fines. In seven, the defendants failed to appear and bond forfeitures were adjudged. (Technically, I suppose these cases are still pending but as a practical matter they will probably not come back to life.) In the remaining 31, the defendants have been convicted in County Court and have appealed their convictions to Circuit Court.

All of these 31 defendants are either out on bail pending appeal or have declined to be bailed. Until now, no defendant who wanted bail has been unable to get.

Of the five defendants whose cases are still set for trial at the current term of County Court, one and possibly two may seek to enter nolo contendere pleas. The others will be tried.

CORE will handle the five cases still set for trial the October term. NAACP has agreed to take over from CORE
the County Court appeals which are set for trial at the November term of Court (beginning November 13th) and thereafter.

As of November 13th, NAACP will thus inherit the appeal bond problem, which is as follows:

Fear of reprisals has prevented the Freedom Riders from obtaining local individuals (either professional bondsmen or others) to serve as sureties on their cost and appearance bonds. Until now, all such bonds have been made by the deposit of cash. On the appeals from Police Court to County Court, the bonds were fixed at $500; and that amount was deposited in each appealed case. On the further appeals from County Court to Circuit Court, the bonds are set at $1,500, which $500 is a cost bond and $1,000 is an appearance bond. Failure to make the cost bond will preclude prosecution of the appeal unless the defendant can make a pauper's affidavit (which most or all of the defendants cannot do). Failure to make the appearance bond will prevent the defendant from remaining at liberty pending the appeal to Circuit Court and beyond, which take a period of months or years.

CORE experienced difficulty in raising the $1,000 cash which is thus required in case upon conviction in the County Court. Therefore, it made arrangements with Resolute Insurance Company of Hartford, Connecticut (which is
licensed to write surety bonds in Mississippi) to write the $1,500 cost and appearance bonds for a fee of 10%, collateral to be posted with Resolute in the amount of one-third of the bond liability. Resolute was first called upon to make such a bond on September 7, 1961. Before the bond was executed, Resolute's top management (recommendation of its special agent in Jackson) decided not to write any of the Freedom Rider bonds. The head of Resolute's bail bond department, a Mr. Charles R. Leick of Akron, Ohio, probably told defense counsel on September 7th that this decision had resulted from official pressure by State authorities. However, both Mr. Leick and the Jackson special agent now say that no such official pressure was exerted so far as they know, and Resolute's President has assured me that the top management's decision (with which he personally disagreed) was based upon business considerations. He suggested that a small company might be found which does little enough business in Mississippi so that it would be indifferent to adverse public reaction, and would therefore be willing to write the bonds (which, on any objective basis, are bad business.)

Mr. Greenberg of NAACP has been following through on this suggestion and now thinks he has found two Chicago companies, both licensed to do a surety business in Mississippi, which will be willing to write the bonds. As you know, NAACP has sufficient cash advances and commitments,
for bond purposes, to handle requirements for the immediate future on a cash basis. One can therefore assume that the experience at the October term, where 28 nolo contendre pleas were entered -- many or most of them because of the defendant's uncertainly of their ability to make none -- will not be repeated at the November term.

Mr. Greenberg also said he had phoned Attorney General Joe T. Patterson of Mississippi on Tuesday, October 23rd; and told him that the NAACP was taking over the appeals beginning November 13th; and had requested a stipulation whereby the remaining cases would abide the result of one or a few of the cases which are already on their way up from County Court to Circuit Court. Such a stipulation would of course eliminate the need for further bonds. Mr. Patterson said he had no power to control the local prosecutor, Mr. Travis, but that he would speak to him and would phone Mr. Greenberg Monday, October 30th, to report what Mr. Travis had said.

A good deal could be added by way of detail, but I think these are the essentials. If you want anything further, please let me know.

Sincerely,

Louis Lusky
November 24, 1961

Grenville Clark, Esq.
Dublin, New Hampshire

Dear Mr. Clark:

I now have copies of the majority and dissenting opinions in Bailey v. Patterson, which totals 41 pages (typed, double spaced). The majority opinion of District Judge Mize in which District Judge Clayton concurred, is a dismal effort to justify the position that the Federal Courts should defer action until after the Mississippi courts have had an opportunity to interpret the challenged segregation statutes. Presumably the Court assumes that such interpretations can be obtained in a State Court injunction action; there will be no prosecutions under the segregation statutes so long as the state authorities adhere to their present policy of enforcing those statutes by breach-of-peace prosecutions. The Court does not explain how its position can be squared with the fact that two of the challenged segregation statutes were interpreted and applied by the Mississippi Supreme Court half a century or more ago.

Perhaps the most remarkable statement in the opinion is (page 6):

'By this procedure the comity existing between the Federal Courts and the State Courts would be
maintained without any serious injury to anyone.'

Evidently 315 unfounded criminal prosecutions, and the continued experiment of Federally protected rights, is not considered to be a 'serious injury to anyone.'

Judge Rives has written a fine dissent, which not only demolishes the abstention argument but goes on to deal with the merits -- and, incidentally, castigates the Court's refusal to entertain the plaintiffs' motion for preliminary injunction. He says (page 25):

'The continued refusal to rule on this motion, although it has been pending since the 9th of June is in violation of this Court's duty under the law, and the refusal should therefore be construed as a de facto denial.'

The Rives opinion not only shows why an injunction should be granted against enforcement of the segregation statutes, but also makes a strong case for enjoining continuation of the State Court prosecutions initiated after June 9, 1961, when the Federal injunction case was commenced -- about 190 in all. In this connection, Judge Rives says (page 17):

'The plaintiffs' attack, however, is upon the segregation statutes, not the breach-of-the-peace statutes, and they allege that the State is practicing the simplest of all evasions -- it makes arrests under
the breach-of-the-peace statutes for violations of the segregation statutes. If there is substance to this allegation, it would be a fraud upon the jurisdiction of this Court to abstain and give recognition to such an evasion.' And he then goes on to show that the plaintiffs' contention is well-founded.

The dissenting opinion is also discussed and refutes the argument that enjoyment of Federal rights can lawfully be impaired because of the danger of mob violence -- citing, among other cases, the decision of the Eighth Circuit Court of Appeals in Sellers v. Johnson (where your Bill of Rights Committee brief in Hague v. C.I.O. is quoted at length).

I have written Judge Rives a congratulatory letter (copy inclosed). If you have the time, I think he would appreciate a letter from you.

I ordered two copies of the opinion, with the intention of sending one set on to you; but, since they are so long, I am not sure you would soon have time to read them. Let me know whether I should sent them along.

You may have noticed in the newspapers the other day that the Federal Government has succeeded in obtaining an injunction against the interference with the ICC desegregation order, from a three-judge court consisting of Court of Appeals Judges Tuttle and Rives and District Court Judge Mize (Judge Mize dissenting).
I am writing John Doar to see whether he can send me a couple of copies of that opinion.

Sincerely,

Louis Lusky

cc: John Doar, Esq.

Jack Greenberg, Esq.

Enclosure"
All right. The appeals in County Court began on August 22, 1961. I don't think it was in quite the first case, but when one of the very first cases that was heard it was decided to make use of a corporate surety which had been found and which was willing to write the bond. The name of the company was the Resolute Insurance Company of Hartford, Connecticut. This company had been quite eager to do the business and the reason is quite obvious. It is fat business from any ordinary viewpoint. The volume is tremendous, the fee is 10% of the face of the bond, which means $150 for each bond, one-third of the face of the bond secured by collateral liquid securities posted as collateral and actually no risk. You can make your own judgment on these people. You have seen a sample of them on the witness stand. These people are perfect bond risks, so as we figured it there was something like $30,000 in premiums to be had for no work at all and virtually no risk, and they were glad to get the business.

The first time they were called on make the bond was September 7th of last year. Because it was a substantial piece of business they had the head of their national bail bond office from Akron, Ohio, a man named Charles Leick go down to Jackson and with the company's representative, state representative on bail bonds from Meridian, Mississippi, they went to Jackson and drafted a form of bond for submission
to the Court for its approval. It was submitted to the Court at 11:00 o'clock that morning and the Court approved the form of bond but said that it didn't know anything about Resolute Insurance Company and would like a little time to make sure they were licensed to do business there.

Between 11:00 that morning when that was done and 3:00 that afternoon there was a phone call from Mr. Charles Brady, who is the special agent of the company in Jackson. He does not handle the bail bond. The business of the company is mainly automobile insurance. It has about $600,000 a year in automobile business in the state, and he telephoned the company in Hartford, saying he had heard the company was about to write these bonds. Mr. Leick and the Meridian man had not been in touch with him but he had heard it through a friend, he said, and that he thought it would be a very bad thing for the company to do, it would cost them a lot of business.

The company had a meeting of its top officers on the question and they voted, the President having voted to go ahead with the rest of them voting against doing it, and since the majority included the chairman of the board who, also, I understand, owns the company, why, there was not any real doubt as to the decision, so the President phoned Mr. Leick, the Akron man, and instructed him not to write the bond or any of other Freedom Riders' bonds.
Mr. Leick had told him he had heard from Mr. Brady. Mr. Leick called up Mr. Brady and had an angry phone conversation with him which ended when he asked Mr. Brady when Mississippi was going to join the United States and Mr. Brady hung up the phone on him.

Mr. Leick then phoned Mr. Jack Young, phoned or spoke to him, I don't know, or spoke to him personally. Mr. Jack Young, who was the counsel there told him that there had been a high level conference at which Governor Ross Barnett had been present at which the insurance company had been told that it would suffer adverse official consequences if it wrote these bonds, and I think it is well established, it is established to my satisfaction and in a minute I will tell you why, that this was actually said. It is not established that it is true.

I guess I better tell you a little bit now about how I know these things. I went up to Hartford last October to find out, if I could, why the Resolute Insurance Company had been so irresolute, and I received a warm reception there. I mean, after the initial receptiveness I told them the NAACP was not in -- if there was official pressure, because if there was, it has a bearing on what they tell other insurance companies that they might try to get, and we are not trying to bite you. As a matter of fact, we are kind
of sympathetic with you losing all this good business, but what happened? And they convinced me that as far as they were concerned they had not been informed of any official pressure. The question remained why did Mr. Leick say there had been, and had there in fact been official pressure on Mr. Brady, their Jackson, Mississippi agent.

They got Mr. Leick on the phone and I talked to him, and what he said was that he couldn't recall telling Mr. Young these things but he didn't definitely say that he hadn't told him. They tried to get -- and it was a good faith effort -- they tried to get Brady on the phone so I could talk to him, but couldn't. They promised that they would ask him to call the office and I said ask him whether he was subjected to any official pressure. They said they wouldn't ask him that because it would embarrass them. I said, well ask him then whether there was any reason other than a purely business -- other than the fear of a loss of business as to why he called you.

Well, the president of the company, Mr. E. K. Scribner phoned me in Louisville the next day and said that he had talked to Mr. Brady and had asked him actually the question that he said he wouldn't ask him and that Mr. Brady told him that he had not been subjected to any official pressure whatever. This, of course, is double hearsay, and I cannot say how
credible it is.

I will say this: I talked to Jack Young after that on the phone and asked him about this and he said -- and I told him that Mr. Brady said that he had heard about the impending writing of the bond through a friend and Mr. Young said he didn't know how any friend could know about it because the tendering of the bond to the judge was not in open court, it was in chambers, and that the only people who presumably would have known about it were officials, namely, the judge, opposing counsel, the City Prosecutor or the County Prosecutor, Mr. Travis, I guess.

MR. RACHLIN: Jack Travis, City Prosecutor.

A (Continuing) There was a Mr. Nichols on these things.

MR. RACHLIN: His assistant.

A (Continuing) Or possibly the insurance department which the judge had said he was going to get in touch with, so he doesn't know how exactly this would have gotten around in less than four hours except through some official channels. But that is actually the extent, that is as far as I can go to track the facts down.

I did, in January this year, go to see Bert Marshall, the head of the Civil Rights Division here in Washington and reviewed the facts with him, and gave him my opinion that this was -- that if it had resulted from official pressure it was a very clear violation of the Civil Rights Acts, which he
agreed with, and I suggested to him that it was a matter that his office should be informed about and they should make an investigation of their own.

I should say this, that there is little more than these circumstantial facts to support the view that there has been official pressure. Jack Greenberg has reported to me statements made to him actually in some confidence, I can't tell exactly what they are, although I know to the effect that the State officials in Mississippi consider that they have -- well, this statement was made to Mr. Greenberg by a person whom I will not name, but he was an official in Mississippi "We have busted CORE with our bond requirements. I guess we can't bust you but we are not going to do what you are now asking us to do" which was to stipulate that all the cases would be held up until one or a few test cases could be taken to the Supreme Court.

MR. WATTS: Mr. Lusky, you are referring to the NAACP Legal Grievance and Education Fund?

A That is right, I was quoting. I didn't make clear when the quote ended.

And he also requested the Attorney General of Mississippi, Joe Patterson, Esquire too -- he asked him if he would be willing to give an assurance that any insurance company that made inquiry would not be subjected to any official reprisal if they wrote bond, and I understand he did not get
a wholly satisfactory response, but I expressed to Mr. Marshall the view that this was a plain denial of justice, and abuse of legal process, if you use the term in a broader sense. It amounts to a denial of a hearing really which is one of the basic constitutional rights, and/or unlawful imprisonment, if you want to look at it that way, and that I suggested that his office investigate it.

He said he would consider it. He was doubtful about their ability to investigate it legally, and in the way that I was suggesting, which was to convene a Grand Jury and get some subpoenas out. I said that if there is a Civil Rights Act violation you certainly can prosecute it criminally. He said well, that is true if it is a case which we actually would intend to prosecute, but he said "I don't think it is right for us to use the Grand Jury for investigations where we really don't intend to" because I was telling him I thought if the facts were simply publicized, I thought the situation might be cured. Of course, he is right about this, although I will say, that Federal Grand Juries are, in fact, used for this purpose in more cases than the Department of Justice might care to admit, but he is right on his ethical position there.

But I said "isn't it possible anyway to work up a civil injunction suit?" and he said "I will look into it but I have some doubts about that because the limits of civil
injunction power under the 1957 Civil Rights Act are or maybe voting cases and we may not be able to prosecute in other cases." But he said he would look into that.

I said "well, if you can't do anything else, at least you can get the FBI or other agents to go down and just ask some questions. Maybe there is no coercion to find but at least the questions can be asked" and he said that could be done and it might be done. I didn't ask him to report to me whether he had done anything.

Mr. Newman, who is from his office, might be able to tell you if he wants whether anything has been done, but I had done all I could do when I made the suggestion. That is a long answer to a simple question.

MR. WATTS: The question wasn't so simple.

Mr. Chairman, while my footnotes are not as potent as Mr. Lusky's, I would like to add a footnote to the bond situation.

When the first large scale arrests took place in Jackson, Mississippi, Mr. Marvin Rich of CORE called me early one evening and said "there have been a lot of arrests in Jackson and we need bondsmen and will you get them for us through ACLU?" In my naivete I said "I certainly will. I will call you back in an hour or so and we will have it arranged."

By 7:00 o'clock the following morning I was still
making the effort. I called every bonding company with which the ACLU had ever dealt. Finally went to a bondsman in White Plains who went way beyond his personal responsibilities as a Westchester County, New York bondsman, and he spent all night on the phone calling every bonding company that he had ever had dealings with, and they all came back with the same story when we pinned them down, that if they dared write a bond on one of these cases they would lose all of their business in Mississippi and they just could not afford to do it.

Mr. Lusky I would like us now to go on to your analysis of what you think can and cannot be done in this situation. The testimony that has been given here yesterday and today indicates that there are two modes of action by local authorities, local resistance to desegregation, one by acts of the police and the question immediately arises of what, if anything, the Federal Government can do in this situation. Also, there has been a suggestion that possibly the FBI could give protection to witnesses in these cases.

I would like you to go ahead and present your own analysis of these problems, what you think might be done under existing law, and where a change in the
law is necessary, what changes might be necessary.

THE WITNESS: Well, I would like to invite you first to put a deadline on me because I know you have some other people you want to hear and this could go on for a long time.

MR. WATTS: We with great reluctance would like to put a deadline on this question, which would take years to answer, of 15 minutes.

THE WITNESS: All right. Basically, what the Committee has been hearing is a lot of pretty factual pretty moving and graphic testimony that all relates to this subject, resistance by local communities and governments to the enforcement of Federal Law. There are two modes in which this resistance takes place. In a number of situations that you have heard about, the police play a passive role. What they do basically is to stay away and not even enforce the law against private people who take it upon themselves to preserve a certain way of life by violence or threats or reprisals of one kind or another, and this would include, I would say, failure to enforce the ordinary criminal law as such, as the law against murder.

The other mode of resistance is the active moves of the police for the courts to enforce segregation requirements. The legal problems that arise from these
two modes of action are quite different.

As far as the inaction is concerned, and this in my own mind, I call the Alabama method, because it is what happened actually when the Freedom Riders reached Anniston and Birmingham and Montgomery. In that situation the police simply stayed away and the Klu Klux Klan or other mobs beat people up. This is something which there is no doubt that the Federal Government has a right to deal with, either through the Courts or by direct action, and by direct action I mean Federal marshalls to protect people exercising their constitutional rights, or if necessary, the Army, the Navy and Air Force which are legally efforts on the President to enforce the laws. I am talking not now about what is desirable or what is politically practical, but what is lawful.

As far as judicial action is concerned, the Federal District Court in Montgomery has shown what can be done where an injunction was issued against the Montgomery police forbidding them to withhold protection from Freedom Riders, and this is justified if for no other reason because it is a denial of equal protection of the laws in the very prima facie sense. And that is if the police are there and they protect everybody from assault but deliberately stay away when people come who
are doing things that the police themselves disapprove of, although lawful.

As far as the marshalls are concerned, as you know, marshalls were sent in to Montgomery and there is no doubt that it can be done again. You could put a marshall on every bus if it seemed the right thing to do, although there is another problem in that which I will touch on in a minute, the practical problem. But fundamentally this mode of Southern resistance is one which can be handled with sufficient vigor by the Justice Department which is well able, which has all the necessary tools to go at it through the courts or by the executive.

The other mode of resistance which I call the Mississippi mode, although there is no clean cut distinction -- they are not copyrighted things, these particular modes of reaction but the Mississippi method is not to allow private violence but to have arrests made of the people who are doing things which, in Alabama, might provoke the mob action. This is much harder to deal with for a legal reason.

First of all, let me just say this, because there has been a lot of talk of how things are so much more peaceful in Mississippi and how basically -- I mean, no matter -- there is nothing worse than mob violence, and
it is good to have these cases in the courts. Well, I would just remind you and the lawyers certainly know it, that an unlawful arrest is a form of violence. Actually, the only reason that it doesn't result in bloodshed is that normally it is not resisted, but one of the very ancient common law writs, writ of false imprisonment, is a writ which was created because of the tendency of an unlawful arrest to provoke bloodshed. The very existence of this which goes way back into centuries old history of English law which is good recognition of the fact that the reason that an arrest is lawful is not because it is not violent but because it is legally justified either by warrant or because the arresting officer has seen a crime or has reason to believe -- has seen a misdemeanor committed or has reason to believe a felony has been committed but, in other words, not because there is no violence involved but because there is a legal justification for it, so actually, the fact that the police in Mississippi are avoiding private violence by themselves accomplishing the purpose of the people, on the would-be attackers is, to my mind, no distinction at all. There would be very few prosecutions for safecracking if the police stood ready to crack the safes themselves and hand over the contents to the people who would otherwise be compelled to do the safecracking.
The reason it is hard to deal with this is not a constitutional reason but a statutory reason. There is a statute which appears on the Federal books, Federal statute books in 1911, 28 USC Section 2283 which provides, and it is very short, I will read it to you "A Court of the United States may not grant an injunction to state proceedings in a State Court except as expressly authorized by act of Congress or when necessary in aid of its jurisdiction or to protect or effectuate its judgments".

This statute -- I haven't actually checked the legislative history, but I think it came on the books in order to keep the Federal Courts out of -- from interfering with state public utility rate making. It was three years before that there had been a decision, ex parte Young which had broadened Federal Court's power for affirming their power to intervene very deeply into the state rate making procedures, and I think this was designed to deal with that and not designed to deal with our situation.

MR. WATTS: Mr. Lusky, I believe that you explained your beliefs in that regard in further reports to Mr. Clark which we would like to include in the record; your letter of June, 1961, your letter on October 17, 1961. In that connection I believe those are the letters.
THE WITNESS: This statute has been pursued by the local Federal courts in the South as forbidding them from laying a hand on any of these state court proceedings.

MR. SHISHKIN: By this statute you mean which statute?

THE WITNESS: The one quoted from.

MR. SHISHKIN: That was a decision?

THE WITNESS: It was a statute. It is a United States statute in the United States Code.

It has never been decided by the Supreme Court of the United States whether this statute does prevent the Federal district courts from interfering with state court prosecutions which are wholly groundless as these prosecutions are. The reason I say it is I haven't sat in on any of them but Captain Ray of the Jackson police who made most or all of these arrests testified in the Federal case and testified very clearly as to what the evidence in each of these cases were and what it consisted of was refusing to obey his order to move from one waiting room to another.

Under the Sam Thompson case/which I am, as you know, familiar, I will just tell you that this just a square ruling, that this cannot constitutionally be punished and it is therefore possible to say that if the Federal
district court could be induced to make a finding on this, it would, in my opinion, be legally compelled to find that the state court prosecutions are without substance.

I think it is essential that one way or another the power of the district courts to intervene in these state prosecutions be affirmed. If they don't have it under present law they ought to be given it under a change in law, and the reason is, as I have said before, the procedural burden that can be imposed on defendants is absolutely tremendous. I mean, if you reckon up the price -- the waiting room in Jackson -- it is astronomical. People are not going to spend their whole lives limiting their right to enter a waiting room. The only way to deal with this as a practical matter is to see to it that the Federal courts do step into these situations.

Let me just tell you an interesting thing I dug out of the Supreme Court Library the other day. On Thursday I just happened to have a few minutes and I looked it up in Elliott's Debates of the Federal Convention and I would just -- in Elliott's Debates in the Federal Convention, volume five of June 5, 1787, and this comes from pages 158 and 159, Mr. Rutledge, of South Carolina, raises the question why do we need all the Federal courts.

Isn't it enough that the state court will uphold the
law and if not, take the appeal from the state court to the Supreme Court. This is what the Freedom Riders are doing now.

The question came up also at the instance of Mr. Pierce Butler, representing South Carolina. There is reference to it on page 331. In both cases, the answer that was given in substance was this -- that is what Mr. James Madison, Jr. of Virginia said -- I might say I will indicate for the reporter's benefit I am leaving out some passage and I will just use the three stars. That is the way you indicate.

"Mr. Madison observed that, unless inferior tribunals were dispersed throughout the republic appeals would be multiplied to a most oppressive degree (you see there are three stars after republic) that, besides, an appeal would not in many cases be a remedy(* * *)---

MR. WATTS: Mr. Lusky, could we borrow that statement?

A You can borrow it, you can read it.

MR. WATTS: We can read it? It will save the hand of the reporter.

A "What was to be done after improper verdicts, in state tribunals obtained under biased directions of a dependent judge, or the local prejudices of an undirected jury?
To remand the cost for a new trial would answer no purpose and effective judiciary establishment, commensurate to the legislative authority, was essential. A government without a proper executive and judiciary would be the mere trunk of a body without arms or legs to act or move."

Now, what this means to me is when the Federal court, either because the court is disabled or because they are disabling themselves, when the Federal courts declined to intervene in this situation, they are failing to perform the very function they were created for. If they can do it, there is really no reason for them at all.

Now, on this question, what the Federal courts are doing, -- I think I have about three minutes and I will be through with my function -- there is a wide variance of performance on the part of the Federal courts. I will say this: the Federal district court which sat in Jackson, Mississippi, the three-judge district composed of two district judges and Circuit Judge Reeves, Richard Reeves, did some remarkable things in the case of Bailey against Patterson.

Of course, that was a case brought by the NAACP to enjoin enforcement of the state segregation statutes and also to enjoin the prosecution in the state court Freedom Riders case.

There was a motion made for a temporary restraining order when the complaint was filed on June 9th. The motion was denied. The motion made for a preliminary injunction under
the Federal rules was made and this motion for a preliminary injunction is entitled to a quick hearing. It was postponed on one pretext or another.

From June 9th until November 17th, when the case was finally decided on the merits -- even now that motion has not been passed on. I was saying the case was decided on the merits. It is a little bit of an overstatement.

What the court actually did was to say that it thought, indifference to the sovereignty of the State of Mississippi, that the Federal court rule out a stay. It is wrong to tell the State Supreme Court how to construe the statutes, overlooking the fact, and in overlooking the fact, referring in a footnote that two of these cases had been interpreted and applied in the Mississippi State Court over a half a century ago, two of these statutes and they abstained from a ruling.

Judge Reeves made a strong dissent where he pointed out it was a violation and defeat of the Federal District Court not to rule on a motion for a preliminary injunction,

Consequently, the ruling on it is this: even if they turn it down, it can then be appealed to the Fifth Circuit and the Fifth Circuit is not subject to the legal pressure that the local district judges are subject to.

The whole experience has been that -- justices are human after all. These district judges if they do try to protect the law in this field are under heavy pressure. Judge Waring
could probably tell you about that.

The Court of Appeals are not subject to this degree. The Court of Appeals have been trying to function, particularly in the Fifth District where the cases from Alabama and Mississippi come.

There isn't anything Federal judges can do and do it without incurring any scorn locally, to see to it that the cases get heard expeditiously. They can see to it that full records are made and they can rescind their decisions and let the cases up on appeal when they are decided and they can give encouragement to law enforcement.

This three-judge district in Mississippi, in Alabama against Patterson didn't do this. I don't have time to give you blow by blow details. These remarks were discussed. I will just say this: This case that should have been decided. It was 2283, that statute. It has ruled out what the Federal district courts say.

The Supreme Court refused to hear the case on fully incomprehensible grounds.

MR. WATTS: Mr. Lusky, we are at this point introducing a letter of November 24, 1961 to Mr. Clark which discusses the appealed cases.

Now, will you just take one minute to give your view on the problem that has been repeatedly raised, how the FBI could give protection or other governmental
bodies could give protection to the witnesses. Can it give such protection? Your views on the matter?

A It is not possible to give a broad answer to that question. I think what you are referring to is the Herbert Lee murder. The question of protection that was needed there under the particular circumstances in that case, was a lifetime protection to the witness against the whole community.

I say, of course, people should not be allowed to be badgered from telling the truth in court, which it has been testified to has been there. I also say this is something which the practice also as you and the other lawyers know.

I also say you have to be pretty careful on protection, in promising something more than you can deliver. Everybody is entitled to stipulate the limits of his own commitments, his own risk.

I say that I don't think that the Federal government is in a position to give effective protection. I say if they can do it, all right, and if they can't do it, they shouldn't promise it. I have serious doubt as to whether any action on the part of the Department of Justice would have given effective protection to that man. Of course, there are lots of cases where all that is really needed is to give protection to any witness during a trial,

In many cases -- this is a typical case -- once he has testified, the people are not as interested. He has done what
he can do.

As a matter of fact, I heard evidence in that case and that is a case where this man's testimony could have resulted in bond burning. What the effect of his testimony would be, to try to get state legislation to try for murder.

Whether his bond would have survived burning, I don't know. Unless the Federal Government is in a position to really accord adequate protection, I think it would be wrong to promise.

MR. WATTS: One final word, Mr. Lusky, do you care to venture a personal opinion of what is going to develop or what might develop out of these recent years of agitation.

A Well, if you are talking about -- I will give you two answers, both short. First of all, I think that the basic significance of what has been done in the Freedom Rider work is to break and perhaps irretrievably the white southern stereotype of a Negro as a semi-animal, ignorant, diseased and unable, -- interested only in material comforts, not disposed to suffer for an abstract ideal, such as justice.

The way this stereotype is broken actually, is by the people, some of which you have seen here. Others that I have seen on the stand in the south -- they come up in a courtroom showing by their very efforts and manner that they are not only intelligent figures and are alert and actually have more
courage, a great deal more courage to suffer for justice than probably most of the lawyers and their quibbling way, I think, on cross examination.

Whether they like it or not, the effect of these demonstrations and the commitment to justice and the willingness to suffer for it, make it impossible to say that on the witness stand, and there a lot of them -- not everybody in Mississippi -- there are a number of them that can't help communicate it to their children and friends, and it will grow.

It is not psychologically possible that they retain the stereotype which you must have in mind, must take place psychologically after they treat Negroes the way they do. These are fine decent people, most of these white people.

MR. THOMAS: I know of Harry Byrd's circulation of a book to prove that they are still inferior. I want to bring this up. I hate to interrupt but it is very much on my mind and it is very much neglected, purely what we say and certainly what we do, because the extensive circulation of the book I know to be largely unique, it still argues about the basic inferiority of the Negro. This is what they are trying to revive.

THE WITNESS: I am glad to be on your side.

MR. THOMAS: I am glad you are because I should
receive such support. I managed without it for years.

THE WITNESS: I think the process has been started which is going right at the jugular vein of the problem because I see what it is. I mean there below the Mason-Dixon line. I have not lived much in the deep south.

These are fine decent people and the only way a person can bring these different things that is done here is by convincing himself that the people he is dealing with are really quite human the way he is, you see.

This they are not going to be able to say anymore. Nobody who has come in contact with them, they know that these people who have come up the -- you have got to treat them as people.

Now, the question is one which I think was also included in your question as to when this is going to happen. All I can say, you must not underestimate the legal ingenuity and tenacity of southerners.

I will simply remind you in the south we are actually in July 4, 1864, that Vicksburg fell and Gettysburg having been fought within days before and southerners did not accept that until April 1865. It is quite possible this will be fought a little
MR. WATTS: Mr. Thomas and I know that the committee would all like to make comments and would like to question Mr. Lusky. We have one other key witness and another key witness and I ask the committee to restrain itself.

MR. SHISHKIN: I just want to say one word, if I may. You may be an hour late, but it was worthwhile and I thank you very much.

MR. THOMAS: I have one thing to say. We have all thanked the witness without letting him say what can be done. Are we to wait for legal action under the laws we have or are we to ask legislation to repeal that particular thing, or are we to do both.

THE WITNESS: I will give you a summary answer to that. I think that Section 2283 ought to be amended first. Second, I think the one that keeps the Federal court out of state proceedings. I think it should be made clear they can go into the state proceedings.

Second -- I think this is a long process -- I think we ought to push ahead with speed and get a decision in Alabama versus Patterson as to Section 2283.

I think Federal removal statutes should be made to remove these from the state to the Federal Court. There are some difficulties in that but I would say that it would be essential. We know about these bills. The
District Courts are not inclined to break ground.

In other words, it would be possible for the highest Federal courts to direct District Courts to do it. Under the present law an order of that kind is not appealable. The District Court has the last word on it.

Finally, there is one other thing that came up in Alabama against Patterson. That was a District Court case which, because it was a three-judge court, there was a direct appeal to the Supreme Court, by passing the Court of Appeals. That means the only court having jurisdiction over the District Court was the Supreme Court.

The Supreme Court was in a summer recess. There ought to be some change in the Supreme Court rules that make it possible to exercise effective supervision over the lower courts, even during the summer.

Finally -- this is not a legislative recommendation -- I do believe that the Department of Justice ought to prosecute more civil rights violations. I know their getting problems. They have trouble/indictments. They have trouble getting convictions, but as a lawyer, I can tell you it makes people pretty uneasy to know that the Federal Government is trying to get at you or even to get an indictment.
MR. THOMAS: That is very important.

THE WITNESS: I say that because I have sat in cases and I can tell you that I have heard one witness who I would be willing to bet my bottom dollar, perjured himself a dozen times in his testimony. This man should be prosecuted for perjury. Whether you got him convicted or not, I think it would be the last time and would be a deterrent to other witnesses.

I think also these cases of violence ought to be prosecuted. I don't underestimate the difficulty of getting convictions in these cases by southern juries. I know some indictments have been returned, even some convictions because there are many southerners, believe me, many, it is hard to assemble 12 of them to get a unanimous vote even in the Federal court.

Just like segregation, just like violence, perjury deserves to be in the Supreme Court even more.

REVEREND TAYLOR: I have gotten a yes or no answer.

MR. THOMAS: He has had very little chance, Rev. Taylor.

MR. WATT: All right.

REVEREND TAYLOR: I have been very little here. Mr. Lusky I have been interested in your report of conversations with officers of the Department of Justice and what you know. I ask this very sincerely in the light of the
Federal Government's recent ability to arrest the profit decisions of the steel industry and the power over the hazards of outer space. Did you discover embarrassment, frustration and anger on the part of the officials of the Department of Justice on their inability to protect the American citizen?

Did you detect a determination to do something either by the stroke of the pen as we were told in 1960, or by whatever legislative means necessary? Did you discover this urgency?

THE WITNESS: Do you really want that answered yes or no?

REVEREND TAYLOR: Yes, I do.

THE WITNESS: If you are talking about the Civil Rights Division of the Department of Justice, the answer is yes. I think this is a very vigorous and confident energetic agency which is enforcing the law as fully as it can.

I think its presence in these cases, these Federal court cases in the south has been a tremendous lift. One of the cases, they brought a case to enjoin the Klan and the Montgomery police. In others they have had representatives as friends of the court. They have conducted themselves with distinction.

You know about their bringing an injunction suit,
McCombs County voting suit, where they were able to stop the prosecution of a man named Paris who was trying to get Negroes to register. This is one field where they can act.

Incidentally, I might say this -- we have to state this: 2283, the statute and the cause of the trouble, does not restrict the Federal Government. It can go into the State court. The problem with the Civil Rights Division, and it only has the injunction, is not having exercised the full use of it. As far as that is concerned, my hopes are all with it.

As far as the FBI, if that is what you are asking about, I know little about their activities except what I have heard here and other places, I might say, they are not doing all they can do under existing law.

MR. SHISHKIN: All I want to say, Mr. Lusky has provided the Committee with important testimony, more important, significant advice.

MR. RACHLIN: We have one more witness and a few documents to present. When we asked Mr. Lusky down, I must say, Mr. Watts and I knew how valuable his testimony was going to be. This is why we make tremendous efforts and this is why I want on behalf of all the people who prepared this to thank you, Mr. Lusky.

Furthermore, indeed of what he suggested, I myself
have yesterday been in conversation with a professor of a Catholic law school with a view of working up legislation on the question he is talking about and we hope to have something of importance in the near future.

We have not had time to discuss Richmond, Kentucky. We have submitted a statement I would like to have put in as part of the record about the incidents that occurred there. That is the statement of Genevieve Hughes who is a member of CORE and James Flynn who is a former teacher/Eastern State College, Richmond, Kentucky. I will read them in. First, the statement of Genevieve Hughes:

"On January 18, 1962, I went to Richmond, Kentucky to help the CORE Chapter there and segregation at lunch counters and in employment. After repeated unsuccessful negotiations with store owners, women of CORE sat briefly at counters asking for service. Later four women sat for 40 minutes at a drug store counter. About 15 people, all quiet, gathered in the store. The police chief came in, and asked the women to leave, and when they declined arrested them for breach of the peace because, he said, they were interfering with a man's business. The store owner said then and in court that the sit-in had not interrupted his business. On January 20th about 16
picketed three drug stores.

The police chief refused protection, the Mayor granted it. A crowd of about 30 gathered, apparently tipped-off by the police. Police asked each picketer his name and address. A Negro divinity student was struck repeatedly and knocked to the ground in the presence of police; a boy was struck. Police did not reprimand, send away or arrest the attackers. When the crowd grew, police made no effort to disperse it. We remained non-violent and broke up, according to plan, at 7:00 p.m.

Leaving the picket line, several of us were arrested for reckless driving. A threatening crowd awaited us inside and outside the police station. The Mayor joked with the crowd. Afterwards, police escorted us to our cars. Later, two women sit-iners were found guilty of breach of the peace, and others of Richmond CORE of reckless driving."

Next is the statement of James Flynn:

"I was chairman of CORE at Richmond, Kentucky from November, 1960 until June, 1961. Job pressure was brought from the beginning of our organization. Police chief Newland called on the employer of a young Negro minister friendly to us; the employer warned the minister that he might lose his job. The chief telephoned
the minister's father to say that he would break up
the next CORE meeting. Major Ed Wayman advised us to
disband. The cook at the college cafeteria, mother of a
CORE student, was fired.

My telephone calls were reported to the college
president, Robert Martin. He forbade me to address
student groups concerning CORE; he warned students that
CORE activity would jeopardize their stay at Eastern.
A white high school teacher was told by her principal
that city officials had called; that her job was in
danger if she remained active; and she did not.
President Martin told department heads to instruct
subordinates not to participate. Fear of job pressure
in the Negro community was strong, after insinuations
by the police chief.

About Easter, 1961, after fruitless negotiation
attempts with drug store owners, I wrote a letter to the
local paper proposing a boycott of discriminating
businesses. I received a letter from the Mayor attempting
to intimidate me. In May, 1961, we began picketing.
When an unruly crowd of 70 - 90 whites gathered, the
police chief appeared, did not disperse the crowd,
and left. Rocks were thrown at us. Again, on a picket
line, a local man grabbed me, put his fingers in my eyes.
The police chief stood a few steps away. There was no
arrest.

I had arranged an interview with Vice President Lyndon Johnson who was to address commencement on June 1, 1961. This made college president Martin very angry; he refused to allow time for the interview. Considering my job at the college terminated, I had arranged to take my present position at Wisconsin. At 9:00 a.m. on June 1st, I was driving out of town extra slowly. I was arrested for speeding and held six hours at the jail, without being allowed to call an attorney. The charge of reckless driving was added. At 3:00 p.m. a judge, with the understanding that I was leaving Richmond for good, filed charges."

A summary with regard to Shreveport, Louisiana, a very important center of the problems and, as Mr. Watts reported yesterday, 'our leading witness from that area has been delayed by chicken pox. So, I ask accordingly, that both his statement, Dave Dennis' on Shreveport, Louisiana and the chronology of events in Shreveport, Louisiana be included the record.

MR. THOMAS: It is so accepted by all members.

MR. RACHTLIN: The following is the statement of Dave Dennis:

"In early July, bus riders testing compliance with the ICC ruling came to Shreveport, arriving at 11:00 a.m.
There were between 50 and 75 policemen outside of the station, and between 150 and 250 men and women considered to be spectators. I wanted to drive the riders to a place of refuge.

Police did not allow any Negroes to congregate or park within four blocks of the station. But they allowed me onto the parking lot by the station.

The police chief greeted the riders and talked with them a bit. The mob was coming around the parking lot. Police refused to escort me and the group to the car. Between 20 and 30 of the men began to approach us. We got into the car. An FBI man drove his car across the pathway to stop the men. A policeman in the alley I tried to go down had the alley blocked. By this time the men had gotten around the FBI car, and were on their way toward us. The policemen at the end of the alley only moved when they saw I was not going to stop. I drove the riders away.

Next morning about four or five o'clock the group left. The same number of police were on duty, including the chief. The group was told they'd be arrested if they stayed inside the terminal, so they went out and got on the bus.

Ministers who put riders up overnight received threatening and abusive telephone calls. Cars
continuously passed their houses at night, people in the cars beating on the sides of the cars and shining lights in the houses. Police and the FBI were notified. They did not alter the situation. A police car came by one minister's home several times, shining lights into his home.

On the first of August, four local citizens tried to desegregate the Shreveport bus terminal. Chief Harvey Teasley and several police met them and questioned them. They said they were going to buy tickets to Jackson and cited the ICC ruling. They refused to leave the white side and were arrested. The Rev. Blake and I had driven them down. We parked four blocks away. We were arrested.

In jail, police questioned Rev. Blake about the affiliations of Dr. C. O. Simpkins, local NAACP leader whose office had been fired. The four were in jail a week.

At the trial police presented pictures as evidence. Photographs showed officers standing up posing in the station at the time of the arrest. There were more police in the station than people. People seemed quite at ease, just sitting and looking. I believe that if police had not come in such numbers, everything would have gone along peacefully. Our group
was released on appeal bond.

In the latter part of August we had a church rally with James Farmer, National Director of CORE as speaker. The rally was packed. Police blocked off streets and allowed about 100 whites to picket the church. Police turned Negroes away. Pickets called nigger and other names and were reported to have thrown acid and hit Negroes. They sneered at Negroes' complaints.

In October we had a boycott of Negroes' days at the Negro Fair and on the 19th a boycott banquet at Saint Rest Baptist Church. About 9:30, two fire bombs were thrown into the church. They hit near the nursery and it was lucky no kids were in there. Because of our quick action the two rooms were not completely destroyed.

One of our fellows got the license number and the description of the pick-up truck that the bombs were thrown from. We called police and the fire department. One policeman came; we gave him information on the truck. He was more interested in what we were planning at the meeting that in what happened. The FBI questioned everyone at the meeting.

A few days later (October 24th) 16 of us, about 17 to 22 years old, had a meeting at the church. We were leaving, just got into our cars, when police came and surrounded us. We were arrested for vagrancy and
loitering, and taken to jail."

Next is the chronology of some events at Shreveport, Louisiana:

"April, 1960. The Rev. Harry Blake, local minister and field representative of the Southern Christian Leadership Conference, was arrested once while sitting in a parked car and charged with reckless driving. On occasion, found guilty and fined.

August 1, 1960. Willie Bradford, student of Shreveport, and three others visited the H. L. Green store to request the manager to remove signs in the store denoting race. They spoke briefly to the assistant manager, created no disturbance, and left.

Outside, before they could cross the street, a policeman ran up behind Bradford, arrested him, frisked him. An officer in a nearby patrol car said, "We've been waiting for you for about two hours. Let's take him in." All were arrested.

At the jail the booking officer told Bradford to empty his pockets. He did but forgot a pen in his lapel. The officer said, "Nigger, you have only two inches to die," and banged Bradford against the iron desk. An officer lifted the smallest of the group by the neck and threw him into the cell. Having been held for investigation, all were charged in the morning
with vagrancy, and after 23 hours in jail were released under $250 bond each. That case has not come to trial.

October 13, 1960, at 5:00 in the afternoon a three-day meeting of the Southern Christian Leadership Council, with Dr. Martin Luther King as speaker, came to an end. About 9:00 p.m., Rev. Blake was driving a small car on Highway 71 and another car drove abreast. Someone in that car fired a bullet into Dr. Blake's car. The bullet broke window glass, which tore four holes in the coat Dr. Blake was wearing.

Dr. Blake got part of the license number and a description of the car and gave the information to local officials and the FBI. Officials found the car's owner, who stated that on the night of the shooting he had been at a bowling alley and had not left, and was not guilty of the shooting. No one apprehended.

February 1, 1961. Cross burned before the home of Dr. C. O. Simpkins, dentist and State Vice-President of the NAACP. No one apprehended.

July, 1961. (See testimony of Dave Dennis). Bus riders, testing compliance with ICC ruling, arrived at the bus station. They were threatened by a mob. Police, though asked, refused protection.

August 1, 1961. Four Negro residents of Shreveport attempted to enter the 'white side' of the bus terminal.
White citizens caused almost no disturbance in the station crowded with police. The Negroes were arrested. Rev. Blake and David Dennis, parked four blocks away were also arrested.

August, 1961. Negro church rally; speaker, James Farmer, National Director of CORE. Police blocked off streets, allowed about 100 whites to picket the church, turned away Negroes. Pickets harassed Negroes; police ignored complaints.

October 12, 1961. At Citizens Council request, the Shreveport School Board called for an investigation of teachers in CORE.

October 19, 1961. During a church dinner meeting of CORE, fire bombs were thrown into the church from a passing church and did damage. Police were given the license number and a description of the truck. One policeman looked over the church. The FBI questioned everyone at the meeting.

October 24, 1961. Sixteen of CORE, leaving a church meeting, were arrested charged with vagrancy and loitering and jailed. Police told prisoners they had bombed a church and were in jail on suspicion of larceny.

February 18, 1962. Home being built for Dr. Simpkins near Shreveport heavily damaged by a bomb. No one apprehended.
April 25, 1962. After dynamiting a Negro Masonic Lodge 30 miles east of Shreveport, fire damaged the nearby summer cottage of Dr. Simpkins. To Dr. Simpkins knowledge no one has been apprehended.

A detail: The Rev. B. Elton Cox, CORE field secretary has noted this sign in an elevator in the Shreveport Courthouse: 'Gentlemen will NOT remove their hats' The operator is Negro." There is one other event, I think an unfortunate situation subsequently that Mr. Robert Carter, general counsel for the National Association for the Advancement of Colored People, was unable to be here today. He had very valuable testimony to offer, of another Alabama approach and very briefly, that is the use of the injunction to prevent an organization from actually coming into the state an exercising its right of free association and freedom of speech, the right to organize, and so forth.

Recently, CORE has gone through precisely this same problem. It has taken over five years just to get -- to have the right to function in the State of Alabama. As I say, CORE is now beginning to go through the same problem.

I also wish to apologize to Mr. Tom Gaither who has come up from Jackson, Mississippi with a statement of some testimony on Jackson. Because of the shortness of time,
I regret to say he was not able to testify and I wish to apologize to him.

As a final witness, the last witness, we have Mr. James Farmer the National Director of CORE.

MR. THOMAS: I think we ought to put on the record publicly our apology for him not being heard. He has been useful just being here.

MR. RACHLIN: One final statement. During the testimony on the use of dogs, the testimony of Mr. King and others, Mr. Zellner came forward to me and indicated he would like another statement on the record -- I am sorry, it was Mr. Weinberger. Not Mr. Zellner -- indicated to me that in Tennessee the use of dogs has happened from time to time, to his knowledge. He would like that statement made.

MR. THOMAS: That makes another state. I think you should give the total now.

MR. RACHLIN: I think it is five states.

MR. THOMAS: It is Tennessee, Georgia, Mississippi, Alabama and Louisiana.

MR. WATTS: This is five.

A VOICE: And Washington, D. C.

MR. THOMAS: We should have the honor roll as complete as possible. Have we left out anything, any of you?
A VOICE: Washington, D. C.

MR. RACHLIN: May I state for the record that Rev. Elton B. Cox has just stated in the District of Columbia there has been the use of dogs too.

JAMES FARMER, a witness, testified as follows:

EXAMINATION BY MR. RACHLIN:

Q Mr. Farmer, we all know who you are so it isn't necessary to indicate, and we all know your record of many years experience in the civil rights movement, and, of course, everybody in this room knows that you were in the first bus that came to Jackson and were arrested and convicted of disorderly conduct, just very briefly, were you sent to the County jail or were you sent some place else to serve the time that you have in fact served in jail?

A We were sent to several jails. The first two days we spent in the Jackson City jail awaiting trial in the Jackson City court, to the court of no record.

After conviction of breach of the peace charges in the Jackson City court we were then transferred across the street to the Hinds County Jail. Spent a week there, approximately a week, and early one morning we were transported to the Hinds County Penal Farm, and at this prison certain beatings took place, some violence on Freedom Riders for failing to say sir to the guards and the other officials of the penal farm.

We protested that, of course, and two of the individuals
got out of jail on bond and reported to the lawyer who contacted the FBI who came in and questioned people involved.

That very night we were then transferred back to the Hinds County Jail where we spent another week, and from there to the State penitentiary at Parchman.

Q That is a maximum security --
A No, the whole thing, it is the State prison, the State penitentiary. We, however, were in one section on the maximum security unit.

Parchman is an enormous place, many, many acres with farms and everything else.

Q This was for the conviction of the crime of breach of the peace?
A Of breach of the peace, a misdemeanor, and we were placed in maximum security.

Q How many days did you personally serve in the prison in Parchman?
A In Parchman three weeks.

Q Three weeks, yourself?
A Yes.

Q Just very briefly can you describe the conditions as you observed them in Parchman?
A At Parchman there was little physical violence. Some physical violence against a few of the individuals Freedom Riders who refused cooperation with the prison system wrist
breakers and cattle prods were used on them and they were
dragged across the floor in great pain to be processed, but
for most of the Freedom Riders there was no physical violence.

There was, however, a great deal of psychological
violence, psychological pressure. We were not allowed
exercise, we were kept in small cells approximately six by
nine feet 24 hours a day without being allowed out for any
exercise, with the exception of being allowed out for
approximately 50 minutes twice a week for a shower and shave
under supervision.

We were not allowed any reading matter, books, magazines
or newspapers. In fact, my wife had subscribed to the
New York Times for me and had it sent down daily. When I
got out of Parchman on bond at the end of 40 days I was
presented with box full of New York Times.

We were not allowed such luxuries as cigarettes or
tobacco, of that sort.

Q  Well, we know prisons are not country clubs or hotels.
A  Of course.

Q  But nevertheless, this was still a misdemeanor that
you were charged with.
A  These restrictions, of course, were unique in that they
were not applied to the other prisoners, the non-Freedom Riders.
Non-Freedom Riders got books, were allowed visitation from
family. We were allowed to see no one except our lawyer, and
then we were not allowed to call him. The initiative had to be on his part.

Q  What were the air conditions like as to breathing facilities?
A  Well, it varied to extremes from hot to cold. On one occasion on more than one occasion actually they took away the mattresses from the Freedom Riders as punishment for our singing freedom songs, forcing the riders to sleep on the metal slabs of the cots, the bunks, which were cold, without any clothing except the shorts and undershirt or the shirt or ill-fitting. Incidentally, it couldn't have been accidental, the large men received very small uniforms, the small ones enormous uniforms, and on this occasion, without mattresses and the ill-fitting scanty clothing, the windows were open and the exhaust fan turned on full blast so that sweeping across our bunks was cold air at night, so it was impossible to sleep. After three days, when the mattresses were returned through negotiations, the windows were closed and the fans cut off so that then we sweltered in the Mississippi heat day and night. So those were briefly the conditions.

Q  Mr. Farmer, can you give us an estimate or can you corroborate the statement made by Mr. Lusky with regard to the amount of bond money that CORE has had to place in order to protect the rights of the Freedom Riders?
Of course CORE has raised and used a total of $350,000 for bond money. Now, if, as Mr. Lusky indicates, it may take six or seven years for these cases to be litigated there is, of course, no guarantee that we will get that money back then because the checks will go to the individuals and it is quite conceivable we will have lost contact with many of them.

They will be out of the country or will be unable to contact them for endorsement of the checks, so in that eventuality the checks would not be cashable. We have raised a net amount of money and used it for bond.

If I may divert for just a moment, counsel.

MR. RACHLIN: Please do.

(Continuing) I would like to indicate to my complete agreement with Mr. Lusky the fact that the bond requirements in Mississippi as well as Baton Rouge, Louisiana and elsewhere represents a pattern and one of the weapons used by the segregationists in an attempt to break the civil rights organizations.

Q Let me ask you this, in addition to the bond money, has it also been the pattern to require persons on trial to come back several times even before the actual trials start?

A Yes. May I comment on that?

MR. RACHLIN: Please do.

A We had been led to believe after our arrests in
Mississippi and after most of us had bonded out that period of 40 days, which is the time limit in which you can file an appeal, and you were not able to appeal while you were still in jail, so we came out in 40 days. We had been led to believe that it would only be necessary for a representative few of the Freedom Riders to go back for arraignments and for trial, and what was found in those cases would then be applied to the others. This was not officially stated to us. It had been passed on through private conversations with counsel and others, so this was the understanding that we had.

However, two weeks before the arraignment date of August 14th, I think it was, we were notified officially through our counsel at Jackson that not three or four representative individuals would have to return, but the entire group of Freedom Riders at that time out on bond. There were 136 out on bond who had to return, otherwise we would forfeit the $500 per person bond that we had down there.

Q Just the arraignments?
A Yes, just for the arraignments. We had put our operating funds of the organization, CORE, approximately $100,000 in bond, so we were faced with the possibility of losing a large part of that if in two weeks time we could not locate and get back to Jackson on the designated date 196 people in the middle of the summer while many were on vacation, and elsewhere.

Needless to say we had to go on an emergency footing and
two weeks time we succeeded in rounding up, locating and rounding up and transporting back to Jackson, at considerable expense to the organization, 190 out of the 196. The other six were accounted for. For example, one young man was in jail in Georgia sitting-in and so on, but we got them back.

Then, at the arraignment where individuals merely gave their names, pleaded and had a date for trial set, we were advised that each individual would have to return to Jackson again for trial. They were not going to try us at once but try two a day, five days a week, which meant we would then be faced with the necessity of transporting all of the Freedom Riders back home, and then bringing them back to Jackson two a day according to a set schedule for trial. So this we proceeded to do and did.

As was indicated in previous testimony practically all were convicted. Bond was increased from $500 to $1,500. Well, when we saw that that was the pattern which was going to be followed, I then announced, the first of September, that I was going to withdraw my appeal and go back to jail to serve the remainder of the sentence. I had some 27 days of my sentence still pending and was going to urge the other Freedom Riders to do the same, since we had a few cases tried and we could appeal those.

The State of Mississippi then announced that there was an old court case which meant the Supreme Court had decided
once you have served notice of appeal you cannot then withdraw notice of appeal and then we were stopped at that point.

Q  Let me interrupt, Mr. Farmer. When we heard from Jackson that each one would have to return for arraignment. I went down to Jackson to speak to the judge, Judge Russell Moore, to persuade him to withdraw that ruling and permit counsel to appear on behalf of the arraignments, and we made a quick of the law and found out that the Mississippi Supreme Court actually authorized such procedure and in fact had reversed this very Court when the Court had forfeited bond for somebody who had merely appeared by counsel, but also had delayed in appearing at the Court, but despite that fact the trial judge insisted that everyone appear, and we had to take the responsibility at that point and decide whether to risk not appearing and forfeiting all this bond money and appealing up to the Mississippi Supreme Court, and not know what their ruling would be on their cases, so that reluctantly we had to advise the organization to have everybody present in court on the day of arraignment.

Now, Mr. Farmer --

MR. THOMAS: May I interrupt to ask do you think there is any reason, Mr. Farmer, or counsel, do you think there is any reason to believe that the judicial
people in Mississippi deliberately prefer this process of doing as much as possible to bankrupt CORE to conviction?

MR. RACHLIN: This has been made off the record and made several times to us off the record. For example, the judge who tried all these cases is a member of the White Citizens Council. His name is on the stationery of the White Citizens Council, so it was no accident that this happened, in my view. I can't accuse the man of having done this deliberately, but there is certainly these elements of the facts that are involved.

Q Mr. Farmer, I wonder, in summing up, if you could give us some information and statistics about the number of people who have been arrested in the last two years and who have been trying to cause desegregation in the South and have been enforcing their rights as American citizens or attempting to enforce their rights as American citizens.

A I would like counsel to give you the statement from Southern Regional Council, a letter signed by Dorothy Miller, research assistant of that organization, providing some statistics.

MR. WATTS: Will you give the date of that?

THE WITNESS: This letter is dated May 3, 1962, and the Southern Regional Council estimates that the total
number of arrests made in the South on civil rights cases since February, 1960 amounts to 5,181.

Q Would you explain the significance of February?
A February 1, 1960 was the time when the first southern city, Greenboro, North Carolina, that began the wave. Between that date and May 3rd the estimate is over 5,000 people who have been arrested.

I might add also that our estimate of the total amount of bonds that has been spent on these cases since February 1st is between $2 million and $3 million. That is that has been put up.

It is an estimate based on our figures, money that we have put up for bond and consultation with the other organizations that have been involved in providing bond.

Q Mr. Farmer, in closing, despite these handicaps and expenses that have been placed upon CORE and the associated organizations, is there any determination and can you officially state the position of CORE and to the continuation of these activities leading to further desegregation in the south?
A I think the segregationists, some, would be very glad to call off the dogs and call off the violent resistance and call off the arrests if the civil rights forces would call off their action, their direct action. However, that is not possible now. It is not possible and it will not take
place because the new mood among Negroes especially, and I might add, a growing number of sympathetic white persons in the South is to resist segregation and to resist it through direct action. This new agenda and timetable is now. If we would go back to the old days when we could sit down and talk about refining or moderating segregation, dressing up desegregated waiting rooms facilities and so forth, then that would be perfectly acceptable, and there would be no more arrests or violence, but the Freedom Rides, citizens and similar types of non-violent direct action would, of course, go on, and I would predict that they will be stepped up. They will be accelerated.

Now, this will be true in spite of the violence, in spite of the arrests and in spite of the court supported efforts to crush the civil rights organizations. If we are asking and this, I think, in my judgment is one of the purposes of these hearings, is to see to it that the machinery the judicial machinery of the southern states and the southern cities is no longer to be used as a weapon or an instrument to crush the civil rights movement and stop the direct action. We do not ask that the machinery, judicially and otherwise, of the cities and states be on our side. All that we ask is impartiality. We ask due process of law. The same goes with regard to the policemen. We are not asking that the police be on our side and provide the dogs
to help us. We are asking instead that the police be completely impartial and enforce the law, provide equal protection of the law. This has been done, as the testimony yesterday and today indicates.

I am not a lawyer, I do not pose as an expert as to how it can be done judiciously or legislatively. That would be the task of this Commission.

MR. RACHLIN: Mr. Farmer, may we take this opportunity to thank you for coming down and presenting the statement.

Mr. Thomas and members of the Committee there are certain affidavits which we expect will be coming in the next day or two which, with your permission, we would like to include in this record.

With that in mind, may I, on behalf of Mr. Watts, myself and Mrs. Charlotte Devries, who spent so much time in preparing the materials for this Commission, to thank you for taking your time, and the other members of this Committee, and hearing the testimony we have presented, and we hope that you will ask us to be of assistance to you in preparing any final report that may be issued in this matter.

MR. THOMAS: Mrs. Roosevelt who deeply regrets that she could not here asked me if I would make at least a brief statement in a kind of summation of the
proceedings.

It is obvious that there has been no chance for us to confer, and it seemed to me impossible to write a summation in advance of what we were to hear, so I am speaking for myself and only insofar as I can absorb through the pores the opinions of my colleagues. I do not hold them responsible and this is not official, but I am sure it is unofficially unanimous that we want to express great thanks for the people who are responsible for this and Charlotte Devres, I think, ought to rise and be recognized.

(Mrs. Charlotte Devres rises amidst applause)

I have had some experience with a number of hearings over a number of years more or less like this, and I may say without hesitation that I have been and others that have impressed with its organization but this is the best organized hearing that I ever sat in at or observed at all closely, and whoever is responsible or however many are responsible I am sure get all of our thanks. Thinks what it means to get out this material in advance and in such excellent shape! Think what it means that we have had so many witnesses who, on the whole, have testified so succinctly and so ably, and if there had been delays it has been largely our fault in pushing certain questions. This comes from the bottom my heart,
and I think in this I can be sure that my colleagues of yesterday and today would fully agree.

We fully expect and I want to make clear that we welcome this supplementary material all of which we look to. My thanks, of course, include the splendid work done by our two counsel in this matter and to them I speak for everybody in saying that to them we look for the preparation of the report for us to then consider very carefully and for some suggestions for actions.

I have been asked to say just a little about purposes. I think the hearing, especially as it is ending today, speaks very clearly for the purpose of those who organized it and which we share. It is first of all an effort to get publicity on a most shocking state of affairs. How successful this mere hearing is it is too early to say, but I do not think any of us intend to let the publicity angle rest just by reports from the meeting. We shall try to get columnists, we can try to get conductors of radio forums and the like interested in the material we have.

Let me say, and I don't think I am saying it adequately -- let me say some of the things that we have got. We have been talking about dogs today. What do you think of a country, what would you think
of Russia, what did you think of Germany when you had enough evidence of this kind of thing? In five states of the United States, either by state action or by local action or a combination of both, and on this we have not complete evidence, we have evidence in five states of this use of dogs. We have further evidence that this use of dogs in time followed the beginning of the struggle against segregation.

Someone reminded me yesterday it was a hundred or almost a hundred years since the two battles Gettysburg and Vicksburg which merely marked the end of our great struggle, and I was told only last night how we ought to rejoice in all the progress we have made in the last 25 years. I think this testimony impresses me with the extraordinary restraint of the Negroes. I bow to the kind of testimony we have heard and acknowledge the deep impression it has made upon me.

This is testimony of people who have made this aggressive attack on entrenched discrimination and wrong without themselves indulging in violence, and this in one of the most violent periods of the world history! The kind of things that American Negroes almost everywhere in some places more and in some less suffer are exactly the kind of things that have prompted violence all through the world, and the price of those who have
indulged in violence after they have won. Here, I think, that we Americans have cause for profound gratitude that so much has been done by non-violent methods and is so obviously being done effectively. It is a sign of hope for which I want to record for the whole world that this sort of thing should be true. This is in connection with this disgusting use of dogs. One well-educated dog apparently bit a policeman, but I don't even believe in that by itself, but I'm not a dog. You have then this use of dogs.

You have then this use of dogs.

You have then evidence of pretty widespread police sadism. I confess it for myself, I wonder how much of this was extra-special and how much of this must be charged to a general failure in the United States to have the administration of justice without cruelty. But it was clear from very interesting testimony that you suffered worse for taking a ride, which you have every legal to say nothing or moral right to do on a bus, you suffer far worse than if you were just a pickpocket or someone of the engaging characters who are more or less at home in jails. This is, I think, one of the things we have learned. We have learned moreover how long one can be abused, how under the terms of legality, the worse illegalities, certainly the
worse social immorality can be practiced. That is, how victims can be attacked if they were perpetrators of wrong. I think this is one of the things that ought to be called attention to and noted how widespread this is. This is not just in one or two or three places, it is generally true where this fight has had to be made, this perversion of law and it has affected courts.

I think you have all heard, and it would be ridiculous for me to summarize Mr. Lusky's invaluable testimony, and it certainly is on our record and will be in our report, but you will observe that what we are really charging is that courts supported by evidence we heard, are privy to this kind of denial of law. It is a grave thing and I for one, speaking for myself, am very eager that we should arouse all possible pressure among the people to get those changes in law which have been discussed and which will be further developed by the counsel to whom we are already so indebted. These are the purposes, as I see it, of what we have been doing, to let American know a little better the high quality -- well, forgive me for saying or perhaps thank me, whichever way you feel about it -- I think we have heard testimony from people who ought to canonized as secular saints. I think what they have stood matters a great deal more than characters
who I have heard of who are not sanctified, but I am not sure that it is going to be more significant. I think it will be the fault of some of us if we don't do the things we are doing to wake up the American people and on this thing I have to say, I am very tired of hearing officials here in Washington, for instance, give me to understand that they do a lot better if it wasn't for the "peepul". It isn't in one line but in many lines, including civil rights. The reason the Federal Government didn't do more is because it is afraid of the "peepul" to a large extent and this, I think, is shameful. It is a failure of churches and schools and labor unions and lots of other educational agencies. That is why it is possible for pretty decent men to say as often as I have heard it said "well, you know the folks back home, you know the voters, you know how they are." It is the "peepul" who obviously have lead officials. You know, the average official thinks it is his principles that keep him in office and it is the popular feeling that gets expressed. I don't believe these kind of hideous things that have happened are the real expression of opinion even in the communities where they happen, but they are the expression of people who want to do something. They are the expression of that group, a
minority, I hope, not a majority, who want to act
or may act in the next election or who may act in
a mob or somewhere else. This comes home to us and
to newspapers. I think it comes home to the other
agencies that I have mentioned in this connection.

Again, I say the churches, the labor unions --
alas that I should have to include them and other
agencies! We hope we are going to try to wake them
out of this. We can do better, I think, in waking
them out of this because I expect to have from the
unusually competent and devoted court reporters
a very adequate and complete account of what has been
said so that it will not be lost as so often testimony
like this is lost.

I am sorry not to do a better job, but it is not
from lack of a very strong feeling, as you will have
gathered as to the importance of this work which CORE
has undertaken, and I think that we all want to express
thanks to our able chairman, Mrs. Roosevelt because
here the prestige of her name meant so much.

It goes without saying I have to express thanks
to the surviving colleagues for sitting still and
listening to this.

May I say before the whole Committee, I think,
how much we have appreciated the testimony. It has been
clear and succinct and admirably given in my judgment.

(Appause)

MR. CULBERTSON: Mr. Thomas, ladies and gentlemen, I apologize for taking up this time but I don't want to leave this meeting without expressing my appreciation for the opportunity of being invited to witness what took place here.

I extend to each of you that travels to the south a personal invitation to come and stay at my home irrespective of race, color or creed, and express to you what a pleasure and a privilege it is to be a part, to be identified with people in this great cause.

I feel inferior not worthy of this association, but I go back home with a renewed determination and vigor to continue the fight in the struggle for human dignity.

MR. THOMAS: The fact that you are here shows they can get better district judges than they are now getting. The hearing is adjourned.

(Whereupon at 1:30 o'clock p.m. the Committee of Inquiry concluded its hearing.)

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